

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

OA No. 59 of 2024

IN SUO MOTO MATTER:

**In Re: **DEFORESTATION FOR MINING RESUMES IN HASDEO,
 LOCALS, ACTIVISTS ALLEGE DETENTION****

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT No.4 – M/s

RAJASTHAN RAJYA VIDYUT UTPADAN NIGAM LIMITED.

(“RRVUNL”)

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M/s RAJASTHAN RAJYA VIDYUT UTPADAN NIGAM
LIMITED. (“RRVUNL”)**

MOST RESPECTFULLY SHOWETH:

I, Hem Raj, S/o Shri Nanag Ram, aged about 55 years, working as the Superintendent Engineer with Respondent No. 4, r/o 24, Chhaya Deep II Colony, Mahesh Nagar, Jaipur do hereby solemnly say and affirm as follows:

1. That I am the authorized representative of the Respondent No.4 - M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited. (**‘RRVUNL’**) and well versed with the facts and

circumstances of the case and as such competent to swear the present affidavit.

2. That RRVUNL, which is State of Rajasthan undertaking, has been impleaded as a party to the captioned proceedings vide order dated 21.03.2024. Vide the said order, this Hon'ble Tribunal had also been pleased to direct the Respondent No.4 to file its reply to the captioned proceedings. The Respondent No.4 is filing the present reply in furtherance to the said directions issued by this Hon'ble Tribunal.
3. That the present reply is being filed on behalf of the RRVUNL, which is the Project Proponent, having been allocated the following three coal blocks in the Hasdeo – Arand Coal Field ('HAC') situated in Surguja district, Chhattisgarh by the Ministry of Coal, Government of India ("MoC"): -

S. No.	Name of Coal Block	Forest Area (Ha)	Non-forest land	Total Area (Ha)
1.	Parsa Coal Block (PCB)	841.538	410.909	1252.447
2.	Parsa East and Kanta Basan (PEKB)	1898.328	812.706	2711.034

3.	Kete Extension	1742.600	17.400	1760.000
	Total	4482.466	1241.015	5723.481

A. BRIEF BACKGROUND:

4. That the Stage-I and Stage-II approvals for the entire forest area of 1898.328 ha forest land for Parsa East and Kanta Basan (**PEKB**) Coal Block were already granted by the MoEF vide letters dated 06.07.2011 and 15.03.2012 respectively in favour of RRVUNL. The said forest diversion permissions for non-forest activities were granted after due diligence and taking all abundant precautions to minimize the environmental degradation in the area. Thereafter RRVUNL carried out and continued with the mining operations on the PEKB coal block. The True Copy of the Stage I approval dated 06.07.2011 granted by the MoEF is marked and annexed as **ANNEXURE R-1.**

The True Copy of the Stage-II approval dated 15.03.2012 granted by the MoEF is marked and annexed as **ANNEXURE R-2.**

5. Pertinently, a bare perusal of the Forest Clearance dated 15.03.2012 shows that the same was granted for diversion

of the entire 1898.328 ha of forest land in respect of PEKB captive block open cast mining project in favour of RRVUNL, in which area the mining was envisaged to be carried out in

two-phases:

A. Phase-1: mining was to be carried out in the area of 762 ha

B. Phase-2: mining was to be carried out in the balance area of 1136 ha.

6. Further, the application for the requisite permission to commence the Phase-II mining operations could only be made after the due compliance and submission thereof, of the conditions enumerated for Phase-I mining operations.

7. Since certain parts of the PEKB falls in forest area (Sarjuga Forest division), RRVUNL obtained the requisite Forest Clearances for the same on 28.03.2012 from the State of Chhattisgarh (Forest Department), which was preceded by the prior approval of the competent authority on 15.03.2012. Subsequent thereto the mining operations of the PEKB coal block started sometime in 2013. A True Copy of the Forest Clearances dated 28.03.2012 issued by the State of

Chhattisgarh (Forest Department) is marked and annexed as

ANNEXURE R -3.

B. Pending Proceedings:

8. At the outset the Answering Respondent submits that the following are the similar cases pending before the Hon'ble Supreme Court, Hon'ble High Court of Chhattisgarh and this Hon'ble Tribunal, which have been summarized in the following table:

Sr. No.	Case no.	Pending before	Issue Involved
1.	Civil Appeal No. 8720/2022	Hon'ble Supreme Court	Filed against order dated 18.08.2022 of this Hon'ble Tribunal in Appeal No. 16 of 2022, challenging order dated 06.04.2022 passed by State of Chhattisgarh under Section 2 of the Forest (Conservation) Act, 1980.
2.	Writ Petition (Civil) No. 510 of 2023	Hon'ble Supreme Court	Inter-alia, challenging order dated 25.3.2022 issued by the State of Chhattisgarh

			granting FC for Phase II of mining in PEKB Coal Block.
3.	Civil Appeal No. 9332 of 2022	Hon'ble Supreme Court	Challenge to the land acquisition proceedings under the Coal Bearing Area (Acquisition and Development) Act, 1957 pertaining to Parsa Coal Block.
4.	Writ Petition (Civil) No. 371 of 2019	Hon'ble Supreme Court	Inter-alia, challenging the allotment of Parsa Coal Block in favour of RRUVNL.
5.	Writ Petition (Civil) No. 1346 of 2016	Hon'ble High Court of Chhattisgarh	Initially challenged the alleged Community Rights Revocation order dated 08.01.2016 passed by the Collector and Chair of the District Level Forest Rights Committee, Surguja District, Chhattisgarh, thereby revoking their alleged Community Rights. Further, by way of an amendment application

			which came to be allowed vide order 02.05.2024, raising the issue of tree felling in the PEKB Mine (Same issue in the present proceedings).
6.	Appeal No. 10 of 2022	This Hon'ble Tribunal at Bhopal Bench	Challenging the Forest Clearance dated 06.04.2022 granted to the Respondent No. 3 in relation 841.538 hectares of forest land for Parsa Open Cast Coal Mining Project and Pit Head Coal Washery of 5 MTPA in the districts of Sarguja and Surajpur in the State of Chhattisgarh.

The details of the above pending matters have been setforth in the following paragraphs of the present reply.

9. That the Hon'ble Supreme Court of India in the case of *The State of Himachal Pradesh and Others v. Yogendera Mohan Sengupta and Another* reported in [2024] 1 SCR

973 has held that when the Hon'ble High Court is seized off a particular issue, then this Hon'ble Tribunal should refrain from dealing with it. The relevant paragraph of the said judgment is as under:

“...
.....

94. *Despite the pendency of CWP No. 5960 of 2022 as well as other writ petitions relating to the same subject matter, the NGT passed its second order holding that the draft development plan, being in conflict with its first order, is illegal and therefore cannot be given effect to.*

.....

109. *In view of the settled legal position, we are of the view that the continuation of the proceedings by the NGT during the pendency of the writ petitions before the High Court was not in conformity with the principles of judicial propriety. Needless to state that the High Court of Himachal*

Pradesh, insofar as its territorial jurisdiction is concerned, has supervisory jurisdiction over the NGT. Despite pendency of the proceedings before the High Court including the one challenging the interim order dated 12th May 2022 passed by NGT, the NGT went ahead with the passing of the second order impugned herein.

.....

111. It can be seen from the perusal of the orders of the NGT itself that though the NGT was informed about the High Court being in seisin of the proceedings, it went on to hold that the judgment given by it was binding and therefore, the draft development plan, which in its view, was not in conformity with its judgment, was liable to be set aside.”

[Emphasis Supplied]

10. The Forest Clearance dated 28.03.2012 issued by the State of Chhattisgarh (Forest Department) and approval by Central Government under Section 2 of Forest (Conservation) Act, 1980 was challenged by one Sudiep Shrivastava before this Hon'ble Tribunal, Principal Bench, New Delhi vide Appeal No. 73 of 2012.

11. That this Hon'ble Tribunal, vide Order dated 24.03.2014, had been pleased to set aside the MoEF order dated 15.03.2012 and the consequential State Forest Diversion order dated 28.03.2012 passed by the Government of Chhattisgarh under section 2 of the Forest (Conservation) Act, 1980, while remanding the case to the Respondent No.3/MoEF, to pass a reasoned order, with directions to seek fresh advice of Forest Advisory Committee (**FAC**) within reasonable time on all aspects of the proposal. Vide Order dated 24.03.2014 the Ld. NGT *inter-alia* directed as follows:-

“1. Order dated 23rd June, 2011 passed by the respondent no. 2- MoEF Government of India and consequential order dated 28th

March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the Forest (Conservation) Act 1980 for diversion of forest land of PEKB Coal Blocks are set-aside;

- 2. The case is remanded to the MoEF with directions to seek fresh advice of the FAC within reasonable time on all aspects of the proposal discussed herein above with emphasis on seeking answers to the following questions: (i) What type of flora and fauna in terms of bio-diversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question. (ii) is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna. (iii) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need. (iv) Whether the area of PEKB Block has that significant conservation/protection value*

so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies. (v) What is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora? (vi) What is their opinion about the Wildlife Management plan finally prescribed. (vii) What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialised knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.

3. ***The MoEF shall pass a reasoned order in light of the advice given by the FAC in accordance with law and pass appropriate order in accordance with law.***
4. *All work commenced by the respondent no. 3 project proponent and respondent no. 4 pursuant to the order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the FC Act 1980, except the work of conservation of existing flora and fauna, shall stand suspended till such further orders are passed by the MoEF in accordance with law.*
5. *No order as to costs.”*

A True copy of the order and judgment dated 24.03.2014 in Appeal No.73/2012 in the matter Sudiep Shrivastava Vs. State of Chhattisgarh passed by this Hon'ble Tribunal is marked and annexed as **ANNEXURE R- 4.**

12. It is submitted that the RRVUNL impugned the said judgment dated 24.03.2014 passed by this Hon'ble Tribunal before the Hon'ble Apex Court vide Civil Appeal No. 4395 of 2014 in the matter of "*Rajasthan Rajya Vidyut Utpadan Nigam Ltd. Vs. Sudiep Shrivatava & Ors.*"
13. That, vide order dated 28.04.2014, the Hon'ble Apex Court was pleased to issue notice in the Civil Appeal and further was pleased to grant an interim stay in favour of RRVUNL qua direction no. 4 w.r.t the suspension of mining activities is concerned. The Hon'ble Supreme Court of India had directed as under:

"Issue notice....

...In the meanwhile, we stay the direction in the impugned order that all works commenced by the appellant pursuant to the order dated 28th March 2012 passed by the State of Chhattisgarh under Section 2 of the Forest Conservation Act, 1980 shall stand suspended till further orders are passed by the Ministry of Environment and Forest".

A True Copy of the order dated 28.04.2014 passed by the Hon'ble Supreme Court of India in Civil Appeal No. 4395 of 2014 in the matter of "Rajasthan Rajya Vidyut Utpadan Nigam Ltd. Vs. Sudiep Shrivatava & Ors is marked and annexed as **ANNEXURE R-5**

14. A combined reading of the impugned judgment dated 24.03.2014 passed by this Hon'ble Tribunal and the order dated 28.04.2014 passed by the Hon'ble Supreme Court, makes it clear that there was no stay or condition with regard to the continuation of the mining activities/work already commenced by RRVUNL in the present PEKB Coal falling in Hasdeo Forest Area is concerned.
15. It is also relevant to mention here that there was also no bar for the FAC to take a fresh decision in the matter. While referring to the Hon'ble Supreme Court's order dated 28.04.2014, the above position has also been subsequently clarified by this Hon'ble Tribunal vide order dated 17.09.2018, wherein an issue with respect to grant

of Environment Clearance for the enhancement of coal production capacity for the subject PEKB coal block was challenged by the Mr. Sudiep Shrivastava in a subsequent proceeding being Appeal No. 185 of 2018 in the matter of “*Sudiep Shrivastava Vs. Union of India & Ors.*”. It is also imperative to mention here that this Hon’ble Tribunal has been pleased to dispose off the said Appeal No. 185 of 2018 in the matter of “*Sudiep Shrivastava Vs. Union of India & Ors.*” by way of final order and judgment dated 19.12.2022. A True Copy of the order dt. 17.09.2018 passed in the Appeal No. 185 of 2018 is annexed herewith and marked as **ANNEXURE R-6.**

16. That the EC granted to the subject HAC Area’s Parsa Coal Block mine (adjacent to PEKB Mine) was challenged in Appeal No. 12 of 2019, wherein the challenge to the said EC was made on several grounds, including the grounds raised in the present proceedings. This Hon’ble Tribunal after due consideration of the merits of the matter, vide judgment dt. 19.12.2022 upheld the EC and dismissed the Appeal on merits by holding that “*due process has*

been followed” and “*no damage to environment has been shown*”. It is pertinent to mention here that the said judgment dated 19.12.2022 of this Hon’ble Tribunal has not been challenged till date and the accordingly the findings in the said judgment have attained finality. A True Copy of the order dated 19.12.2022 passed in the Appeal No. 12 of 2019 is annexed herewith and marked as **ANNEXURE R-7**.

C. Compliance of NGT Directions dated 24.03.2014 for Biodiversity Study in Hasdeo Arand Forest Area:

17. In the meantime, the FAC on 25.01.2018 recommended Biodiversity Assessment Study Area by the expert institutes namely Indian Council for Forest Research and Education, Dehradun (“**ICFRE**”) in consultation with Wildlife Institute of India (“**WII**”) for the whole Hasdeo Arand Coalfield_comprising of 23 coal blocks including PEKB (subject matter of present proceedings), Parsa Coal Block and Kente Extension Coal Block as allocated to RRVUNL and Tara.

18. Accordingly, the State Government approached the ICFRE for conducting the above said study in the whole Hasdeo-Arand Coalfield (HAC) comprising of 23 coal blocks that include Tara, Parsa, Parsa East & Kanta Basan and Kente Extension coal blocks.

19. The ICFRE approached WII, Dehradun for a proposal to undertake the studies as directed by the NGT and MoEF&CC. The Dean, Faculty of Wildlife Sciences, WII, Dehradun vide letter dated 20.04.2018 submitted the proposal and revised proposal vide e-mail dated 07.07.2018. Subsequently, ICFRE submitted the consolidated proposal to Government of Chhattisgarh on 12.07.2018. Based on the approved Terms of Reference, the Government of Chhattisgarh awarded the study to the ICFRE Dehradun vide letter dated 29.01.2019 and the entire coal block region biodiversity study was to be carried out within a time span of 18 months.

20. It is pertinent to mention here that Phase-I mining was already going on in the subject PEKB Coal Block under

the interim orders passed by the Hon'ble Supreme Court of India.

21. An in depth detailed Biodiversity Assessment Study was carried out by ICFRE in association with WII in the HAC over a period of 2 years from the year 2018-2021, which included site visit. In July, 2021 ICFRE, in aid with WII, submitted the Biodiversity Assessment Report (**BAR**) to the Chhattisgarh State Government, which then forwarded the said Report to MoEF & CC on 08.10.2021.

22. The said study was undertaken and a detailed report was prepared, wherein after considering all relevant considerations including the report submitted by WII, the ICFRE had recommended that:

*“The allotted four contiguous coal blocks falling within the Gej-Jhink watershed viz., Tara (15), Parsa (13) PEKB (14) & Kente Extension (12) that are either already opened or in advance stage of getting the statutory clearances/ToR approved, **can be considered** for mining with strict environmental safe guards including appropriate*

conservation measures for management of surface water and biodiversity.”

A True Copy of the Executive Summary of the Biodiversity Assessment Report, 2021 is annexed herewith and marked as **ANNEXURE R-8**.

23. It is also relevant to mention here that pursuant to the BAR Report submitted to MoEF, all NGT directions dated 24.03.2014 stand fully complied with.

D. Present Phase-2 Mining Details in the PEKB Coal

Block:

24. That while the ICFRE Study was going on, the Chhattisgarh Government forwarded the request of the user agency/Project Proponent- RRVUNL to MoEF&CC on 22.02.2021 seeking permission for forest diversion of balance phase-II PEKB mine consisting 1136 ha. falling in forest land. It was stated that due to enhancement of mine capacity from 10-15 MTPA, Phase-I mining would be over in 2021.

25. The MoEF vide letter dated 25.05.2021 sought opinion from State Government in view of pendency of Civil Appeal No. 4395 of 2014 in the Supreme Court before granting permission for Phase-II PEKB Mine. The State Government forwarded opinion of AoR on 22.06.2021 stating that there was no bar in taking decision as per NGT directions on the basis of fresh study of ICFRE.

E. BAR REPORT:

26. It is submitted that ICFRE Report does not bar the mining of coal from the said coal fields, instead suggests further mitigation measures to be carried out while mining the said coal blocks. It is further submitted that a total of 23 coal block in the Hasdeo Arand Area was duly examined by the WII and ICFRE. Out of the 23 coal blocks in the HAC area, ICFRE has permitted mining in only 4 coal blocks being Tara, PCB, PEKB and Kente Extension, with mitigation measures. Out of the said 4 coal blocks 3 coal blocks i.e. PEKB, PCB and Kente Extension have been allocated to RRVUNL.

27. It is submitted that BAR Report does not bar the mining of coal from the said coal fields, instead suggests further mitigation measures which out to be implemented while carrying out mining in the said coal blocks in the said HAC Area. Out of the total 23 coal blocks in the entire HAC Area, ICFRE has recommended/permitted mining in only 4 coal blocks, which are at the fringe of the HAC Area and which have less density of forests/trees as compared to the other coal blocks and the said mining activity has been recommended only with additional mitigation measures. Thus, all requisite and necessary precautions have been taken into consideration while allowing and recommending mining in the 4 coals in the HAC Area, thus maintaining the necessary balance between sustainable development and conservation of forests.

28. That it is clear that mining has been permitted to be carried out in the 4 contiguous coal blocks of Hasdeo-Arand area, namely Tara, PCB, PEKB and Kente Extension Coal Blocks, by the ICFRE with certain conditions and additional mitigation measures which needs to be carried out by RRVUNL, so as to conserve the relatively dense moist-dry

deciduous forests in the other coal blocks. It can thus be seen that conservation of the forests, the flora and fauna therein were the top priority of the ICFRE.

29. It may not be out of place to mention here that the entire HAC area is spread over 1876.6 sq. kms. and the four contiguous coal blocks covers only 4.31 % of the entire HAC. The area covered by the Coal Blocks are as follows:
(i) PEKB coal block is 26.83 sq.km, (ii) PCB is 12.52 sq. km and (iii) KECB is 17.60 sq. km.
30. Pertinently, the ICFRE took into consideration the comments and study carried out by the WII. It is submitted that the Biodiversity Assessment study Report (**BAR Report**), carried out by ICFRE and the WII was part of the study. A perusal of the BAR Report shows that the report/observations by the WII were duly considered and examined by the ICFRE in its final report and ICFRE has given practical and reasonable recommendations addressing the said issues. A perusal of the said BAR Report also goes to show that the suggestions/observation given by the WII have been duly

taken into consideration and implementation of the same has been recommended by the ICFRE. It is further most respectfully submitted that this is also in consonance with the principles of Sustainable Development.

F. 3 Member MoEF Sub-Committee:

31. The MoEF&CC on 28.10.2021 met for the first time to consider the subject PEKB Mine Phase-2 Mining Permission application filed by RRVUNL and as forwarded by the State Government. The FAC, as a matter of abundant precaution and after due diligence on the BAR Report, constituted a 3-member site inspection sub-committee to see the compliances that have been carried out by PEKB Mine while considering the permission of Phase-2 mining in the balance area of 1136 ha of forest land. The sub-committee found that the reclamation measures were already being implemented in the area of inspection which were satisfactory and ecologically sustainable. The Sub-Committee accordingly, recommended the Phase-2 Mining in the PEKB coal block.

G. Forest Advisory Committee Final Recommendation:

32. The FAC again met on 23.12.2021 and considered the recommendations of 3 members sub-committee and also the detailed presentation of BAR Report of ICFRE and WII in the said meeting. The FAC, after detailed consideration of BAR Report, discussion and deliberation with Nodal officers of State Government, recommended the proposal for Phase-II PEKB Mine over balance area of 1136 ha of forest land for which final Stage-II FC was already granted on 15.03.2012 with strict compliance with the Biodiversity Assessment Report. Finally, on the basis of FAC recommendations, MoEF granted Phase-II mining permission on 02.02.2022. Thereafter, the State Government also passed an order conforming Forest Diversion vide order dt. 25.03.2022 for commencement of Phase-II mining. Pursuant to BAR Report submitted to MoEF, the recommendation of the FAC and the permission granted by the MoEF&CC, all the directions issued by this Hon'ble Tribunal vide order dated 24.03.2014 stand fully complied with.

33. That all due approvals have been granted to RRVUNL and the necessary procedures have been followed by the MoEF&CC and State Government while granting permission for tree felling arising out Phase-II PEKB Mining permission.
34. The above narrated facts were duly brought to the notice of the Hon'ble Supreme Court of India by the MoEF&CC, Government of India by way of Affidavit in the pending Civil Appeal No. 4395 of 2014. A True copy of the MoEF&CC Affidavit filed before the Hon'ble Supreme Court of India in Civil Appeal No. 4395 of 2014 is annexed herewith and marked as **ANNEXURE R-9**
35. It is, thus, abundantly clear that as many as four expert institutes/ committee namely – (i) ICFRE & WII Reports (BAR Report), (ii) Sub-Committee constituted by the Forest Advisory Committee, (iii) Forest Advisory Committee and (iv) MOEF&CC, have duly applied their mind on each and every aspect of the issue and after careful consideration have decided to recommend

commencement of Phase II mining in PEKB Coal Block falling in Hasdeo Arand Forest Area, Chhattisgarh.

36. From the above facts, it is cleared that the decision to grant the permission for Phase-II mining by the MoEF & CC on the advice of FAC as per its decision dated 23.12.2021 has been taken as per the Hon'ble NGT's direction no. 3 in its judgment dated 24.03.2014. Further, the decision has been taken with due application of mind by 4 expert bodies i.e. ICFRE in aid with WII, FAC while taking into account 3-member sub-committee's site inspection report as well as BAR Report-2021, MoEF &CC and the State Government. The FAC had complied with the directions passed by the Hon'ble NGT and followed due procedure and recommended the proposal for Phase-II mining on 23.12.2021. Subsequently, after considering the recommendation of State Government and the FAC, the MoEF & CC has accorded its approval for commencing of Phase-II mining to RRVUNL.

H. Supreme Court Civil Appeal No. 4395 of 2014 disposal:

37. While the Supreme Court Civil Appeal was pending and the Phase-2 PEKB mining permissions were granted to RRVUNL, by way of MoEF order dated 02.02.2022 and State Forest Order dated 25.03.2022, an I.A. for directions being I.A. No. 2007 of 2022 and I.A. No. 71316 of 2022 in Civil Appeal No. 4395 of 2014 was filed by the Respondent No. 1 therein Mr. Sudiep Shrivastava (Original NGT Applicant in Appeal No. 73 of 2012), seeking immediate stay of non-forest activities in the entire Hasdeo Arand Forest Area including the subject PEKB Coal Block. A True Copy of the I.A. No. 2007 of 2022 in Civil Appeal No. 4395 of 2014 is annexed herewith and marked as **ANNEXURE R-10**. A True Copy of the I.A. No. 71316 of 2022 in Civil Appeal No. 4395 of 2014 is annexed herewith and marked as **ANNEXURE R-11**.

38. It is again imperative to mention here that there was no stay at any stage by the Hon'ble Supreme Court on carrying out the mining activity in PEKB Coal Block falling in Hasdeo Arand Forest Area and that the mining activity continued pursuant to the interim order dated

28.04.2014 passed by the Hon'ble Supreme Court. Further, in spite of various IAs for Directions filed in Civil Appeal No. 4395 of 2014 seeking stay on tree felling and non-forest activities, no stay was granted by the Hon'ble Supreme Court.

39. That in view of absence of any stay, the mining activity in Phase-I of PEKB Mine came to exhaustion after nearly 8 years (since the mining operations began in 2013. Therefore, pursuant to MoEF&CC Permission dated 02.02.2022 and State Government Permission dt. 25.03.2022, Phase-II mining started in PEKB Coal Block which was during the pendency of main Supreme Court Civil Appeal.

40. The Hon'ble Supreme Court of India as pleased to decide finally the Civil Appeal No. 4395 of 2014 and SLP (Civil) No. 18103 of 2022 on 16.10.2023. The relevant extract of the order dated 16.10.2023 passed by the Hon'ble Apex Court in Civil Appeal No. 4395 of 2015 reads as under:

1. The appeal has arisen from an order dated 24 March 2014 of the National Green Tribunal. The NGT issued the following directions:

“.....”

2. Since the order of the NGT, the Ministry of Environment, Forest and Climate Change has granted approval for commencing Phase II mining operation for the Parsa East and Kete Basan (PEKB) Coal Block on 2 February 2022. Thereafter, the State of Chhattisgarh has on 25 March 2022 accorded permission for coal mining and for non-forest activity in respect of the Parsa East and Kete Basan Coal Block comprising 1136 hectares.

3. The above facts are not in dispute.

4. Since the order of the NGT has resulted in the above orders of MoEF&CC dated 2 February 2022 and of the State of Chhattisgarh dated 25 March 2022, Mr A N S Nadkarni, senior counsel appearing on behalf

of the appellant states that the appeal is not pressed.

5 The appeal is accordingly disposed of.

6 Pending applications, if any, stand disposed of

**I. Tree Felling Issue in the Special Leave Petition
before the Hon'ble Supreme Court:**

41. The Hon'ble Supreme Court while hearing Civil Appeal No. 4395 of 2015 along with IA for Directions, came across another Special Leave Petition being SLP (Civil) No. 18103 of 2022 in the matter of "*Hasdeo Arand Bachao Sangharsh Samiti Vs. Union of India & Ors.*", impugning the interim order dated 30.09.2022 passed by the Hon'ble High Court of Chhattisgarh at Bilaspur in IA No. 5 of 2022 in Writ Petition (Civil) No. 1346 of 2016 whereby the Hon'ble High Court had refused to grant any stay on tree felling in the PEKB Coal Block falling in the Hasdeo Arand forest.

42. The issue in Writ Petition (Civil) No. 1346 of 2016 before the Hon'ble Chhattisgarh High Court was filed

challenging the alleged Community Rights Revocation order dated 08.01.2016 passed by the Collector and Chair of the District Level Forest Rights Committee, Surguja District, Chhattisgarh, thereby revoking their alleged Community Rights as granted vide order dated 03.09.2013 under Forest Rights Act, 2006 in respect of forest area falling under village Ghatbarra.

43. The tree felling activity was started in 43 hectares of forest area falling in balance 1136 ha of Phase-II PEKB Mine in September, 2022, which led to filing of IA for Stay being I.A. No. 5 of 2022 in the Chhattisgarh High Court Writ Petition. As stated above, the Hon'ble High Court of Chhattisgarh had already refused the interim relief for non-felling of trees. A True Copy of the order dt. 30.09.2022 passed by the Hon'ble High Court of Chhattisgarh in IA No. 5 of 2022 in WPC No. 1346 of 2016 is annexed herewith and marked as **ANNEXURE R-12**
44. On 13.10.2022, when SLP (Civil) No. 18103 of 2022 was listed before the Hon'ble Supreme Court, the SLP was tagged with the main forest matter Civil Appeal No. 4395

of 2014. A True Copy of the order dated 13.10.2022 passed by the Hon'ble Supreme Court of India in SLP (Civil) No. 18103 of 2022 in the matter of "*Hasdeo Arand Bachao Sangharsh Samiti Vs. Union of India & Ors.*" is annexed herewith and marked as **ANNEXURE R-13**

45. That during the pendency of the Civil Appeal, the Hon'ble Supreme Court vide order dated 13.04.2023, directed the Union of India to file a comprehensive affidavit indicating the status of all matters pending before it and requested the Additional Solicitor General to assist the Hon'ble Supreme Court on behalf of the Ministry of Environment and Forests. A True Copy of the order dt. 13.04.2023 passed by the Hon'ble Supreme Court of India in Civil Appeal No. 4395 of 2014 is annexed herewith and marked as **ANNEXURE R-14**

46. That the MoEF, in compliance of the directions of the Hon'ble Supreme Court of India, filed an affidavit on the issue of tree felling and non-forest activity in Hasdeo Arand forest area including in PEKB, PCB, Kente Extension Coal Blocks. The copy of the bare MoEF

Affidavit filed before the Hon'ble Supreme Court of India in Civil Appeal No. 4395 of 2014 is already stated above in Paragraph-33 elaborating the compliances, permissions for the tree felling activities being carried out in PEKB Coal Block falling in Hasdeo Arand Forest Area, Chhattisgarh and marked as ANNEXURE R-9 with the present Affidavit.

47. The Hon'ble Supreme Court of India was pleased to decide finally the Civil Appeal No. 4395 of 2014 and SLP (Civil) No. 18103 of 2022 on 16.10.2023. While a detailed order was passed in Civil Appeal No. 4395 of 2014 disposing off the said appeal, the issue raised in SLP (Civil) No.18103 of 2022 was relegated to the Hon'ble High Court of Chhattisgarh and the Petitioner-Hasdeo Arand Bachao Sangharsh Samiti in the SLP was directed to seek their remedies before the Hon'ble High Court.

Further, while disposing of SLP (C) No. 18103 of 2023, the Hon'ble Supreme Court asked the Ld. Senior Advocate of RRVUNL to continue with its oral statement (made on 13.10.2022) for non-felling of trees for a period

of 2 weeks which ended on 06.11.2023, within which time the Petitioner therein was granted an opportunity to file or interim stay. The order dated 16.10.2023 passed in SLP (C) No. 18103 of 2023 reads as under:

“Special Leave Petition (Civil) No 18103 of 2022”

1. The Special Leave Petition arose from an order dated 30 September 2022 of a learned Single Judge in IA No 5 of 2022 in Writ Petition (Civil) No 1346 of 2016. The learned Single Judge declined to entertain the prayer for interim relief primarily on the ground that proceedings were pending before this Court in which certain reliefs were claimed in respect the orders dated 2 February 2022, 25 March 2022 and 5 May 2022. The learned Single Judge had also indicated that there was no challenge to the orders at that stage.

2. *Mr C U Singh, senior counsel appearing on behalf of the petitioner states that an application for amending the writ petition has been filed before the High Court which is pending.*

3. *By a separate order passed today, Civil Appeal No 4395 of 20143 instituted before this Court has been disposed of as not pressed.*

4. *Since the writ petition under Article 226 of the Constitution is pending before the High Court, it would be appropriate and proper to relegate the petitioners to pursue their rights and remedies in accordance with law. **Since the application for interim relief in IA No 5 of 2022 was not considered by the High Court for the reasons which have been indicated above, we clarify that it will be open to the petitioners to move an application***

for seeking interim relief. The above liberty is subject to such objections which the contesting respondents may have to the grant of interim relief. This Court has not expressed any opinion on the merits of the challenge before the High Court.

5. *The Special Leave Petition is accordingly disposed of.*

6. *Pending applications, if any, stand disposed of.”*

A True Copy of the final order dt. 16.10.2023 passed by the Hon’ble Supreme Court of India in Civil Appeal No. 4395 of 2014 and Special Leave Petition (Civil) No. 18103 of 2022 is annexed herewith and marked as

ANNEXURE R-15

48. It is imperative to mention here that the oral statement for non-felling of trees made before the Hon’ble

Supreme Court of India ended on 06.11.2023 and therefore, RRVUNL being project proponent was at liberty to carry out tree felling activity in the PEKB Phase-II Mine falling in Hasdeo Arand Forest Area pursuant to the recommendations of the ICFRE studied BAR Report and Forest Advisory Committee Recommendation dt. 23.12.2021 and the permissions granted by the MoEF&CC Permission dt. 02.02.2022 and State Forest Department Permission dt. 25.03.2022.

J. SPECIAL LEAVE PETITION (CIVIL) Diary No(s).

30438/2022

49. In yet another proceeding filed before the Hon'ble Apex Court, being Civil Appeal No. 9332 of 2022 –“*Mangal Sai & Ors Vs UOI*”, the Petitioners therein had challenged the land acquisition proceedings qua adjacent Parsa Coal Block.

50. It is submitted that the said matter was listed for hearing before the Hon'ble Apex Court on 16.12.2022, the Hon'ble Apex Court was yet again pleased not to grant

any stay on tree felling and while disposing of the said matter was passed the following order:

“Delay condoned.

Leave granted.

Interim relief is refused.

We clarify that the pendency of these appeals will not come in the way of the project(s). Inasmuch as if this Court finds substance in the arguments on behalf of the appellants, the respondents can always be directed to compensate.

Hearing of the appeal(s) is expedited.”

The True copy of the order dated 16.12.2022 passed by the Hon’ble Apex Court in Civil Appeal No. 9332 of 2022 is annexed herewith as **ANNEXURE R -16**.

51. It can thus be seen that even the Hon’ble Apex Court did not grant any stay on felling of the trees for the purposes of carrying out the mining operations in the HAC region. The Hon’ble Apex Court in fact, balanced the

equities and after taking into consideration all the facts and circumstances in the matter refused to grant any stay.

**K. Chhattisgarh High Court Proceedings in Writ
Petition (Civil) No. 1346 of 2016 arising out
Supreme Court SLP (Civil) No. 18103 of 2022:**

52. The writ petition was filed challenging the alleged Community Rights revocation order dt. 08.01.2016 passed by the Collector and Chair of the District Level Forest Rights Committee, Surguja District, Chhattisgarh, thereby revoking their alleged Community Rights as granted vide order dt. 03.09.2013 under Forest Rights Act, 2006 in respect of forest area falling under village Ghatbarra.

It is relevant to mention here that pursuant to the above final order passed by the Hon'ble Supreme Court, on 19.10.2023, the Petitioners before the Hon'ble Chhattisgarh High Court filed yet another application for stay on tree felling being IA for Stay being I.A. No. 8 of

2023 in Writ Petition (Civil) No. 1346 of 2016 seeking interim relief(s) as under:

- 1) *“Stay the operation of orders of:*

 - a) *The MoEF & CC dated 02.02.2022 approving commencement of mining in Phase 2 of PEKB mines,*
 - b) *The State Government dated 25.03.2022 diverting 1136 ha of forest land for Phase 2 mining, and*
 - c) *the APCCF permitting felling of trees in 43.63 ha of forest land dated 05.05.2022 till the disposal of the instant Writ Petition,*

- 2) *Direct the Respondent Authorities to ensure that there is no further destruction of the forest areas claimed by the Petitioner no. 1 in the Claim for Community Forest Rights filed on 12.06.2023 (Annexure P-26) till the disposal of the instant Writ Petition...”*

53. That the Hon’ble High Court of Chhattisgarh vide order dated 09.11.2023 heard the Petitioners therein as

well as RRVUNL at length, raising the issue of tree felling activities in the Phase-2 of PEKB Mine falling in Hasdeo Arand Forest Area, Chhattisgarh and reserve the IA for Stay for orders. The High Court of Chhattisgarh is very much seized off the matter and has not granted any stay on the tree felling activities. Further, RRVUNL was also released off its oral statement by the Hon'ble Supreme Court on 06.11.2023 (the Supreme Court oral statement period ended on said date).

54. Subsequent to the order dated 16.10.2013 passed by the Hon'ble Apex Court in CA No. 4395 of 2014, The Petitioners had filed I.A. for amendment of their pending W.P. (Civil) No. 1346 of 2016 seeking amendment of prayers in the Writ Petition and challenging the MoEF&CC order dated 02.02.2022 read with State Government Forest diversion order dated 28.03.2022 granting Phase-II permission for PEKB Mine owned by RRVUNL. The said amendment application has been partly allowed by the Hon'ble High Court vide order dated 02.05.2024 and has again declined to pass any orders restraining the tree felling.

**L. CIVIL APPEAL NO. 8720 of 2022 TITLED HASDEO
ARAND BACHAO SANGHARSH SAMITI VS. MOEF
AND CC AND ORS. PENDING BEFORE THE
HON'BLE SUPREME COURT**

55. That, one Hasdeo Arand Bachao Sangharsh Samiti had filed Appeal No. 16 of 2022 before this Hon'ble Tribunal, inter-alia, challenging the order dated 06.04.2022 passed by State of Chhattisgarh under Section 2 of the Forest (Conservation) Act, 1980 granting final approval in relation to the Parsa Open Cast Mining Project on 841.538 hectares of forest land.

56. That, the said Appeal No. 16 of 2022 was disposed off by this Hon'ble Tribunal vide order dated 18.08.2022. Thereafter, said Hasdeo Arand Bachao Sangharsh Samiti filed Civil Appeal No. 8720 of 2022 before the Hon'ble Supreme Court challenging the above-mentioned order dated 18.08.2022. The Hon'ble Supreme Court, vide its order dated 05.12.2022 issued notice in the above-mentioned Civil Appeal No. 8720 of 2022, which is still pending. A True Copy of the order dated 05.12.2022

passed by the Hon'ble Supreme Court of India in C.A. No. 8720 of 2022 is filed as **Annexure R-17**.

M. Appeal No. 10 of 2022 (CZ) SANT KUMAR NETAM
VS. UNION OF INDIA AND ORS. PENDING BEFORE
THIS HON'BLE TRIBUNAL AT BHOPAL BENCH

57. That, one Sant Kumar Netam has filed an appeal under Section 16 (e) of the National Green Tribunal Act, 2010 being Appeal No. 10 of 2022 (CZ) before this Hon'ble Tribunal at Bhopal Bench challenging the Forest Clearance dated 06.04.2022 granted to the Respondent No. 3 in relation 841.538 hectares of forest land for Parsa Open Cast Coal Mining Project and Pit Head Coal Washery of 5 MTPA in the districts of Sarguja and Surajpur in the State of Chhattisgarh.

N. Forest Clearance Compliances by RRVUNL for
mining in allotted coal blocks including PEKB Mine
Phase-1/Phase-2:

58. The mining in PEKB coal block started operations in the year 2013. As per the conditions of Forest Clearance dated 24.03.2012, the RRVUNL has been filing 6 months Forest Clearance compliance report between 2014-2022 with the State Forest Department. The summary of the Compliance Report submitted by the RRVUNL w.r.t Phase-I/Phase-II mining are as follows:

- a. Compensatory Afforestation Fund Management and Planning Authority ('**CAMPA**') is an authority constituted under the directions of this Hon'ble Court. RRVUNL has made an expenditure of Rs. 58.41 crores have been deposited in CAMPA for Compensatory Afforestation over total area of 3797 ha of degraded forest (Protected Forest). The area of 3797 ha of land is 2 times of the forest land of 1898.5 ha for which Forest Clearance has been granted.

- b. A total area of 3797 hectares has been acquired by RRVUNL and handed over to the State Forest Department, Chhattisgarh towards compensatory afforestation in lieu of mining over 1898.5 ha of

forest land (which includes Phase-I, Phase-II of PEKB Mine). It is submitted that the compensatory afforestation has already been carried out in 3797 hectares of land which is 2 times of the forest land being utilized for mining in the PEKB Coal Block.

Approx 25.87 Lakh trees already stand replanted as Compensatory Afforestation by the State Forest Department in 3797 hectares of land against the tree cutting being carried out in Phase-I and Phase-II of PEKB Mine consisting of 1898.5 ha of forest land in South Sarguja Forest Division in Surajpur district, Chhattisgarh.

- c. In addition to the above, a total of **12,14,200** numbers sapling trees have been planted in internal and external over burden dumps and **9,137** nos. of trees also transplanted in mining and infrastructure areas as on December, 2022 during the Phase-I mining operations. The said replantation carried out by RRVUNL is towards reclamation of the Phase-I mining of PEKB coal

block. It is pertinent to note here that RRVUNL has planted different species of the Plant namely Sal (*Shorea Robusta*), Karanj (*Pongamia pinnata*), Khamhar (*Gmelina arborea*), Anola (*Phyllanthus emblica*), Shesham (*Dalbergia latifolia*), Siras (*Albizia lebeck*), Bel (*Aegle marmelos*), Khair (*Senegalia catechu*), Mango (*Mangifera indica*), Shishu (*Dalbergia sissoo*), Gulmohar (*Delonix regia*), Guava (*Psidium guajava*), Teak (*Tectona grandis*), Peltophorum (*Peltophorum Pterocacarpum*), Acacia (*Acacia auriclifarmis*), Kathal (*Artocarpus heterophyllus*), Jamun (*Syzygium cumini*), Bargad (*Ficus rubiginosa*), Arjun (*Terminalia arjuna*), Pipal (*Ficus religiosa*), Imli (*Tamarindus indica*), Amaltas (*Casia Fistula*), Orange (*Citrus X sinensis*), Mahuva (*Madhuca longifolia*), Saja (*Terminalia Elliptica*), Tilsa (*Bauhinia Purpurea*), Harra (*Termineia Chebula*), Baherra (*Terminalia bellirica*), Kusum (*Schleichera oleosa*), Char (*Buchanania cochinchinensis*), Bamboo (*Bambusa Vulgaris*), Neem (*Azadirachata Indica*), Semal (*Bombax ceiba*), Haldu (*Haldina*

Cordifolia), Mundi (*Sphaeranthus indicus*), Chiku (*Achras sapota*), Lichi (*Litchi chinensis*), Kadam (*Neolamarckia cadamba*), Bija (*Pterocarpus Marsupium*), Gular (*Ficus racemosa*) and Pakad (*Ficus virens*).

- d. Transplantation of important tree species under 60 cm girth is done through transplanting equipment under the supervision of State Forest Department.
- e. An amount of Rs. 22 Crore has been deposited in CAMPA by user agency for implementation of the approved Wildlife Management Plan which is at implementation stage. Further, as per the ICFRE Report, additional Rs. 10 crores have been demanded by the State Forest Department which has already been paid by the RRVUNL for additional measures for wildlife management. Hence, the Wildlife Management Plan is already in the process of implementation in lines with the ICFRE BAR Report,2021 with strict mitigation

measures as suggested by WII and recommended by the ICFRE.

- f. The RRVUNL has also been assisting the State Government in conservation and preservation of the flora and fauna of the areas as and when advised by the Forest Department.
- g. An amount of Rs. 2 crores has been deposited with the State Government for "Harihar Chhattisgarh" (plantation & conservation flora) on 28th June 2016. An amount of Rs. 12 lacs have been deposited with the Forest Department for upgradation of Sanjay Park at Ambikapur.
- h. A financial outlay has been made for establishment of the Rescue & Rehabilitation of Human-wildlife conflicts in the approved Wildlife Management Plan.

A True copy of the Compliance report filed by the Respondent in July, 2024 is filed as **ANNEXURE R-18**.

O. Necessity of Phase-2 Mining:

59. The coal from the PEKB/subject mines are supplied to 3 Power Plants of the Respondent No.4 (Entity of Rajasthan Government), having total installed capacity of 4340 M.W. The said power plants are captive in nature. RRVUNL has 3 power plants with PEKB coal block being its only source of fuel supply as of now. The details of the RRVUNL power plant are as follows:

Sr. No.	Name of Specified end use plant	Configuration	Capacity
1	Chhabra TPP Unit 3 to 6	2x250 MW 2x660 MW	1820 MW
2	Kalisindh TPP Unit- 1 & 2	2x600 MW	1200 MW
3	Suratgarh Supercritical TPP Unit- 7&8	2x660 MW	1320 MW
	Total Capacity		4340 MW

60. The abovementioned power plants are not designed to operate on imported coal and thus there is no alternate source of coal supply.

61. It is most respectfully submitted that RRVUNL depends on the coal from the PEKB coal block and in absence of the said coal, there will be massive supply disruption to RRVUNL's captive Thermal Power Plants in State of Rajasthan, which is at present catering to approx. 40% electricity need of the State, leading to shutting of the said thermal power plants.

62. It is further stated that RRVUNL needs to commence full scale coal production from PEKB Coal Block considering the increase in demand of power, future power requirement of State of Rajasthan and shortage of coal faced by RRVUNL in its power plants. It must be noted that the region where the RRVUNL supplies coal in Rajasthan includes areas adjoining international borders and issue of national security will arise in view of electricity supply disruption on account of coal-based supply disruption due to mining suspension.

63. The total installed capacity of RRVUNL power plants in the State of Rajasthan is 7580 MW. The total clean coal requirement of RRVUNL Thermal Power Stations is more

than 35 MTPA. RRVUNL has linkage with Coal India Limited for 17 MTPA ROM coal catering to 3240 MW TPS's of RRVUNL. However, the supply from Coal India Limited is not consistent and there is shortfall in supply also. RRVUNL is catering the fuel requirement through its captive source. The Ministry of Coal has allocated "Parsa East & Kanta Basan" (PEKB) coal block, Parsa coal block and Kente Extn coal block located in Hasdeo Arand Coalfield, Chhattisgarh to RRVUNL for captive use in its power plant of 4340 MW. Currently, PEEKB coal block is operational and is supplying approx. 12 MTPA of clean coal to RRVUNL TPS's. Balance coal requirement shall be catered from Parsa coal block and Kente extn coal block. Considering the increase in consumption of electricity and shortage of coal, early operationalization of Parsa coal block and Kente extn. coal block is essential for catering the fuel requirement of RRVUNL's Power plants.

64. It is further submitted that the total area of Phase-II is 1520 ha out of which 1136 ha consists of forest land falling in the Phase-II of PEEKB Coal Block. RRVUNL has already exhausted the mining activity in Phase-I of PEEKB

Mine and needs to cut trees in order to further carry out the mining activity in Phase-II of PEKB Mine.

65. The tree felling activity over forest land is required for continuity of mining operations to ensure uninterrupted supply of coal to linked thermal power plants of the RRVUNL as land falling within phase-I mining area is exhausted. If mining activity is restricted due to non-felling of trees, it will have cascading effect on power supply, mine and environment safety in addition to the following impact on mining operations and power supply.

66. Any stay will lead to disruption of coal supply to the RRVUNL's TTP consisting of 3 power plants namely, Chhabra Thermal Power Plant consisting of 1820 MW, Kalisindh Thermal Power Plant consisting of 1200 MW, Suratgarh Supercritical Thermal Power Plant consisting of 1320 MW having a total capacity of 4320 MW. The said captive power plant cater about 40% energy needs of the State of Rajasthan.

67. It is further relevant to point out that unless further trees are cut and coals are extracted lying beneath the surface of PEKB mine, no mining activity can be carried out any further. Such a situation will lead to massive supply disruption to the RRVUNL's captive Thermal Power Plants in State of Rajasthan.
68. That in view of the above narrated facts, permissions, order of the Hon'ble Supreme Court of India, Hon'ble Chhattisgarh High Court, this Hon'ble Tribunal may consider the issue at hand for which the present suo-moto proceedings have been initiated, however it is most humbly prayed that no stay ought to be granted by this Hon'ble Tribunal on the tree felling activities.
69. The Project Proponent/Respondent No.4 seeks liberty of this Hon'ble Tribunal to file a further detailed additional affidavit/reply as may be required at the appropriate stage of the present proceedings.

70. The annexures R/1 to R/18 annexed to the present reply are true copies of their respective originals.


DEPONENT

Superintending Engineer (Fuel)
RVUN, Jaipur

VERIFICATION

I, above named deponent do hereby solemnly state and affirm that the contents of the above reply are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Signed and Verified at Jaipur on this 23 day of August, 2024.


DEPONENT

Superintending Engineer (Fuel)
RVUN, Jaipur



ATTESTED


NOTARY
JAIPUR (INDIA)

23 AUG 2024

F. No. 8-31/2010-FC
 Government of India
 Ministry of Environment and Forests
 (FC Division)

Paryavaran Bhawan, CGO Complex,
 Lodhi Road, New Delhi - 110510.
 Dated: 6th July, 2011

P.C.C.F.

To

The Principal Secretary (Forests),
 Government of Chhattisgarh,
 Raipur.

Sub: Diversion of 1898.328 ha of forest land for Parsa East and Kete Basan captive coal block open cast mining project in favour of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited in South Surguja Forest Division in Surguja district of Chhattisgarh.

Sir,

I am directed to refer to the State Government's letter no. F - 5 - 4 / 2010 / 10 - 2 dated 28.1.2010 on the subject mentioned above seeking prior approval of the Central Government under section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under section-3 of the said Act.

After careful examination of the proposal of the State Government, the Central Government hereby conveys the stage-I approval for diversion of 1898.328 ha of forest land (for mining in two phases) in Parsa East and Kete Basan captive coal block open cast mining project in favour of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited in South Surguja Forest Division in Surguja district of Chhattisgarh subject to fulfillment of the following conditions.

1. (i) The Compensatory Afforestation (CA) shall be raised and maintained over double degraded orange forest land in extent to the forest land proposed to be diverted.
 - (ii) The State Government shall immediately transfer and mutate the non-forest land identified for CA in favour of the State Forest Department.
 - (iii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India top-sheet of 1:50,000 scale.
 - (iv) The degraded orange forest land identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Sections of the local Forest Act, as the case may be, within a period of six months. The Nodal Officer (Forest Conservation) shall report compliance in this regard.
2. The User Agency shall create, fence and maintain a proper safety zone around the mining area. The User Agency shall deposit funds with the Forest Department for the creation, protection and regeneration of the safety zone area, and also shall bear the cost of afforestation over one and a half time of the safety zone area in degraded forest elsewhere.
 3. The following activities shall be undertaken by the User Agency under supervision of the State Forest Department at the project cost.

रक्षित

सिद्ध वन संरक्षक

(प.सं.सं.)

रायपुर (व.प.)

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- i. Proper mitigative measures to minimize soil erosion and choking of stream shall be prepared and implemented.
 - ii. Planting of adequate drought hardy plant species and sowing of seeds to arrest soil erosion.
 - iii. Construction of check dams, retention/tee walls to arrest sliding down of the excavated material along the contour.
 - iv. No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
4. The State Government shall charge the Net Present Value of the forest area diverted under this proposal from the User Agency as per the Judgement of the Hon'ble Supreme Court of India dated 28.03.2008 & 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by this Ministry vide letter No. 5-3/2007-FC dated 05.02.2009 in this regard.
 5. The User Agency shall furnish an undertaking to pay the additional NPV, if so determined, as per the final decision of Hon'ble Supreme Court of India.
 6. All the funds received from the User Agency under the project shall be transferred to Ad-hoc CAMPA in account number CAF SB01025203 of Corporation Bank, Block-11, CGO Complex, Phase-1, Lodhi Road, New Delhi - 110 510.
 7. The Wildlife Management plan and programme should be prepared under the aegis of an institution like the Wildlife Institution of India. Other independent institutions with expertise on elephant-related issues especially, like the Nature conservation Foundation, Wildlife Trust of India and the Centre for Ecological Studies at the Indian Institute of Science could also be involved in the preparation and implementation of such a management plan with funds from the project proponents (IFPCO and RVJNL). The plan should be prepared over the next four-six months and should be submitted to the Ministry for monitoring.
 8. The user agency will assist the State Government in conservation and preservation of flora and fauna of the area.
 9. The mining shall be done in two phases.
 - i. During phase-I, covering 15 years, the mining shall be restricted to 762.00 ha of forest land.
 - ii. During Phase-II, the mining permission over remaining 136.00 ha will be linked to the reforestation and biodiversity management in phase-I.
 - iii. The project proponent will submit the application for permission for mining in phase-II along with compliance report of phase-I.
 10. The User Agency will ensure the dumping of OB as per the plan and will submit the duly approved phased Reclamation plan along with the compliance report.
 11. The forest land shall not be used for any purpose other than that specified in the proposal.
 12. No labour camps shall be set up inside the forest area.
 13. The user agency shall provide alternate fuel to the labourers working at the site to avoid damage / felling of trees.

14. Any tree felling shall be done only when it is unavoidable under strict supervision of the State Forest Department.
15. No damage to the flora and fauna of the adjoining area shall be caused.
16. The user agency will obtain Environmental clearance and any other clearances required for such project.
17. The user agency shall undertake transplantation of important tree species under 60 cm girth under the supervision of the State Forest Department.
18. The user agency shall establish and operate a Vocational Training Institute having capacity to impart training in at-least five disciplines, to be decided by the State Government concerned in consultation with the user agency, for the benefits of the eligible unemployed youth in the project affected villages. The user agency should also endeavour to employ such trained manpower in their own industry or any other appropriate industry, preferably located in vicinity of the forest land being diverted.
19. The user agency shall setup an independent Social Welfare Department / Division and follow the subsequent condition of the project-affected and the project-displaced persons in such a way as to understand their socio-economic conditions before and after the project and take such corrective measures as are necessary to restore them to their original or better-than-original condition.
20. The user agency will provide permanent vehicular mobility to the Regional Office for periodic monitoring of the projects already existing and those are coming up in the area.
21. The State Government will not come up for opening up the main Hasdeo-Arand area.
22. The user agency will obtain the clearance under the provisions of ST&OTFD (Recognition of Forest Rights) Act, 2006 before the final approval and will submit certificate towards the settlement of all claims and rights over the proposed forest land under the Act, along with the compliance report, as per the advisory dated 03.08.2009 issued by MoEF.
23. Any other condition that the CCF (Central), Regional Office, Bhopal, may impose from time to time for the protection and improvement of flora and fauna in the forest area.

After receipt of the compliance report on fulfillment of the conditions mentioned above, the Central Government shall consider the handing over of forest land for non-forest purposes under section-2 of the Forest (Conservation) Act, 1980.

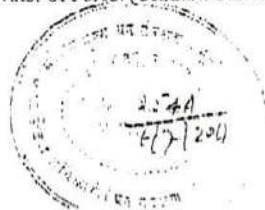
Yours faithfully,

(N.C. Saravanan)

Assistant Inspector General of Forests

Copy to:

- ✓1. The Principal Chief Conservator of Forests, Government of Chhattisgarh Raipur.
2. The Nodal Officer (FCA), O/o the PCCF, Government of Chhattisgarh Raipur.
3. The Chief Conservator of Forest (Central), Eastern Regional Office, Bhopal.
4. User Agency.
5. Monitoring cell.
6. Guard file.



(N.C. Saravanan)

Assistant Inspector General of Forests

F. No. 8-31/2010-FC
 Government of India
 Ministry of Environment & Forests
 (FC Division)

Paryavaran Bhawan, C.G.O Complex,
 Ludhi Road, New Delhi - 110510.
 Dated: 15th March, 2012

To
 The Principal Secretary (Forests),
 Government of Chhattisgarh,
 Raipur

Sub: Diversion of 1398.328 ha in two phases of forest land for Parsa East and Kete Basan captive coal block open cast mining project in favour of M/s Rajasthan Rajya Vidut Utpadan Nigam Limited in South Surguja Forest Division in Surguja District of Chhattisgarh - reg.

Sir,

I am directed to refer to the State Government's letter no. FS-4/2010/10-2 dated 28.04.2010 on the subject cited above seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee constituted under section-3 of the said Act, in-principle approval was granted vide this Ministry's letter of even number dated 06.07.2011 subject to fulfilment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested the Central Government to grant final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government vide letter no. vide its letter no. 331-53/2455 dated 31.12.2011, approval of the Central Government is hereby granted under section-2 of the Forest (Conservation) Act, 1980 for diversion of 1398.328 ha in two phases of forest land for Parsa East and Kete Basan captive coal block open cast mining project in favour of M/s Rajasthan Rajya Vidut Utpadan Nigam Limited in South Surguja Forest Division in Surguja District of Chhattisgarh subject to fulfilment of the following conditions:

1. Legal status of forest land shall remain unchanged.
 - a. Compensatory afforestation shall be raised and maintained by the State Forest Department over degraded orange forest land double in extent to the forest land proposed to be diverted at the project cost.
 - b. Fencing, protection and regeneration of the safety zone area shall be done at the project cost. Besides this, afforestation on degraded forest land, to be selected elsewhere, measuring one and a half times the area under safety zone, shall also be done at the project cost.
 - c. Wherever possible and technically feasible, the User Agency shall undertake afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval, in consultation with the State Forest Department at the project cost.

2. Following activities undertaken by the project proponent under the supervision of the State Forest Department at the project cost:
 - (i) Proper mitigative measures to minimize soil erosion and choking of streams shall be prepared and implemented.
 - (ii) Planting of adequate drought hardy plant species and sowing of seeds to arrest soil erosion.
 - (iii) Construction of check dams, retention / toe walls to arrest sliding down of the excavated material along the contour.
 - (iv) The areas shall be reclaimed keeping in view the international practice of stabilizing the dumps by grading / benching so that angles of repose (normally less than 28 at any given place) are maintained.
 - (v) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
3. The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environment (Protection) Act, 1986 and any other Acts/Regulation/Rules.
4. The period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development & Regulating) Act, 1957, or Rules framed there under, subject to a maximum period of 30 years.
5. The User Agency shall furnish an undertaking to pay the additional NPV, if so determined, as per the final decision of Hon'ble Supreme Court of India.
6. Demarcation of mining lease area will be done on the ground at project cost using four feet high reinforced cement concrete pillars with serial numbers, forward and back bearings and distance from pillar to pillar.
7. Mining/reclamation schedule shall be implemented by the user agency at their cost as per Environmental Management Plan / phased reclamation programme. The annual report about the progress of reclamation should be submitted to the CCF (Central), Regional Office, Bhopal.
8. The mining shall be done in two phases:
 - i. During phases-I, covering 15 years, the mining shall be restricted to 762.00 ha of forest land.
 - ii. During phase -II the mining permission over remaining 1136.00 ha will be linked to the reforestation and biodiversity management in phase-I.
 - iii. The project proponent will submit the application for permission for mining in phase - II along with compliance report of phase-I.

9. The user agency will ensure the dumping of OB and phase wise rehabilitation and afforestation of the used / mined out pits / voids as per the approved plan under the supervision of the State Forest Department.
10. The user agency will make arrangement for free supply of alternate fuels to labourers and staff working on the project site so as to avoid any pressure on the adjacent forest areas.
11. The forest land shall not be used for any purpose other than that specified in the proposal.
12. Any tree felling shall be done only when it is unavoidable and under strict supervision of the State Forest Department.
13. No damage to the flora and fauna of the area shall be caused.
14. No labour camps shall be set up inside the forest area.
15. The forest land proposed to be diverted shall under no circumstances shall be transferred to any other agency, department or person without prior approval of the Central Government.
16. The user agency will implement the Resettlement and Rehabilitation Plan as per the R&R Policy of State Government.
17. The user agency will undertake transplantation of important tree species under 60 cm girth under the supervision of State Forest Department.
18. The State Government will not come up for opening up of the main Hasdeo-Arand area.
19. The user agency will ensure proper implementation of Wildlife Management Plan prepared by the State Government.
20. The user agency will assist the State Government in conservation and preservation of the flora and fauna of the area.
21. The State Government will suitably incorporate the comments, as suggested by of the WIJ, Dehradun, into the Wildlife Management Plan prepared for the area. The project proponent has deposited an amount of Rs. 22 crores (Rs. Twenty two crores) towards cost of implementation of the Wildlife Management Plan. Increased costs, if any, due to incorporation of the suggestions of WIJ, Dehradun will be borne by the user agency. Final copy of the Wildlife Management Plan will be submitted to this Ministry and the Regional Office, Bhopal within a period of three months for the purpose of monitoring. A soft copy in PDF format will also be submitted to the Ministry.
22. The user agency will make provision for appropriate financial outlay for the establishment of Rescue and Rehabilitation team to mitigate human-wildlife conflicts.
23. The Wildlife Management Plan will be implemented by the State Government and independent institutions like the Nature Conservation Foundation, Wildlife Trust of India and the Center for Ecological Studies at the Indian Institute of Science apart from the Wildlife Institute of India may be involved in implementation of the Plan. In order to ensure proper implementation of the Wildlife Management Plan, the State Government shall make necessary provisions for carrying out the monitoring and evaluation of the plan. It would be appropriate to include

Chief Wildlife Warden of the State in monitoring the implementation of the Plan.

24. The user agency will undertake and implement suitable mitigative measures as prescribed in the Wildlife Management Plan for reducing the dependency of cattle and people on the surrounding forest area.
25. Any other condition that the Chief Conservator of Forests (Central), Regional Office, Bhopal may impose from time to time in the interest of conservation, protection or development of forests.
26. The user agency shall submit the annual compliance report in respect of the above conditions to the State Government and to the Regional Office, Bhopal regularly.

Yours faithfully,

Shiv Pal Singh
(Shiv Pal Singh)

Sr. Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests Government of Chhattisgarh, Raipur.
2. The Nodal Officer, Office of the PCCF, Government of Chhattisgarh, Raipur.
3. The Chief Conservator of Forest, Regional Office, Bhopal.
4. User Agency
5. Monitoring Cell, PC Division.
6. Guard file.

Shiv Pal Singh
(Shiv Pal Singh)

Sr. Assistant Inspector General of Forests

Copy

15/3/12

Shiv Pal Singh

//TRUE COPY//

छत्तीसगढ़ शासन

वन विभाग

दाऊ कल्याण सिंह भवन, मंत्रालय, रायपुर

क्रमांक एफ 5-4/2010/10-2

रायपुर, दिनांक: 28/03/2012

प्रति,

✓ प्रधान मुख्य वन संरक्षक,
छत्तीसगढ़, रायपुर ।

विषय :- Diversion of 1898.328 ha in two phases of forest land of Parsa East and keto Basen Captive coal Block open cast mining project in favour on M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited in South Sarguja Forestry Division in Sarguja District of Chhattisgarh

संदर्भ:- भारत सरकार, पर्यावरण एवं वन मंत्रालय, नई दिल्ली का पत्र क्रमांक 8-31/2010-FC, दिनांक 15.03.2012 ।

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विषयोत्तराति भारत सरकार, पर्यावरण एवं वन मंत्रालय, नई दिल्ली के पत्र क्रमांक 8-31/2010-FC, दिनांक 15.03.2012 (छायाप्रति संलग्न) के माध्यम से सरगुजा जिले के दक्षिण सरगुजा वनमंडल अंतर्गत कुल 1898.328 हे. वनभूमि दो चरणों में परसा ईस्ट तथा कांटे बासन केस्टिव कोल ब्लॉक खुली खदान परियोजना के वनेतर उपयोग हेतु मेसर्स राजस्थान राज्य विद्युत उत्पादन निगम लिमिटेड को वन संरक्षण अधिनियम 1980 की धारा-2 के अंतर्गत सराई औपचारिक अनुमोदन किया गया है। जिसके आधार पर राज्य शासन एतद्वारा उपरोक्तानुसार सरगुजा जिले के दक्षिण सरगुजा वनमंडल अंतर्गत 1898.328 हे. वनभूमि दो चरणों में परसा ईस्ट तथा कांटे बासन केस्टिव कोल ब्लॉक खुली खदान परियोजना हेतु मेसर्स राजस्थान राज्य विद्युत उत्पादन निगम लिमिटेड को वनेतर उपयोग हेतु औपचारिक अनुमोदन निम्न शर्तों के अधीन किया जाता है :-


1. Legal status of forest land shall remain unchanged.
 - a. Compensatory afforestation shall be raised and maintained by the State Forest Department over degraded orange forest land double in extent to the forest land proposed to be diverted at the project cost.
 - b. Fencing, protection and regeneration of the safety zone area shall be done at the project cost. Beside this, afforestation on degraded forest land, to be selected elsewhere, measuring one and a half times the area under safety zone, shall also be done at the project cost.
 - c. Wherever possible and technically feasible, the User Agency shall undertake afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval, in consultation with the State Forest Department at the project cost.
2. Following activities undertaken by the project proponent under the supervision of the State Forest Department at the project cost:
 - (i) Proper mitigative measures to minimize soil erosion and choking of streams shall be prepared and implemented.
 - (ii) Planting of adequate drought hardy plant species and sowing of seeds to arrest soil erosion.
 - (iii) Construction of checks dams, retention/toe walls to arrest sliding down of the excavated material along the contour.
 - (iv) The areas shall be reclaimed keeping in view the international practice of stabilizing the dumps by grading/benching so that angles of repose (normally less than 28 at any given place) are maintained.
 - (v) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
3. The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environment (Protection) Act, 1986 and any other Acts/Regulation/Rules.
4. The period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development & Regulating) Act, 1975, or Rules framed there under, subject to a maximum period of 30 years.

5. The user Agency shall furnish an undertaking, to pay the additional NVP if so determined, as per the final decision of Hon'ble Supreme Court of India.
6. Demarcation of mining lease area will be done on the ground at project cost using four feet high reinforced cement concrete pillars with serial numbers, forward and back bearings and distance from pillar to pillar.
7. Mining/reclamation schedule shall be implemented by the user agency at their cost as per Environmental Management Plan/ based reclamation programme. The annual report about the progress of reclamation should be submitted to the MCF (central), Regional Office, Bhopal.
8. The mining shall be done in two phases:
 - i. During phase-I, covering 15 years, the mining shall be restricted to 762.00 ha of forest land.
 - ii. During phase - II the mining permission over remaining 1136.00 ha will be linked to the reforestation and biodiversity management in phase-I.
 - iii. The project proponent will submit the application for permission for mining in phase-II along with compliance report of phase-I.
9. The user agency will ensure the dumping of OB and phase wise rehabilitation and afforestation of the used /mined out pits / voids as per the approved plan under the supervision of the State Forest Department.
10. The user agency shall establish and operate a Vocational Training Institute having capacity to impart training in at least five disciplines, to be decided by the State Government concerned in consultation with the user agency, for the benefits of the eligible unemployed youth in the project affected villages. The user agency should also endeavour to employ such trained manpower in their own industry or any other appropriate industry, preferably located in vicinity of the forest land being diverted. Any other condition imposed by the MoEF New Delhi's stage-I approval letter No. 8-31/2010-FC, Dated 06/07/2011, which is yet to be fulfilled, should be fulfilled by the user agency.
11. The user agency will make arrangement for free supply of alternate fuels to labourers and staff working on the project site so as to avoid any pressure on the adjacent forest areas.
12. The forest land shall not be used for any purpose other than that specified in the proposal.
13. Any tree felling shall be done only when it is unavoidable and under strict supervision of the State Forest Department.
14. No damage to the flora and fauna of the area shall be caused.
15. No labour camps shall be set up inside the forest area.
16. The forest land proposed to be diverted shall under no circumstances shall be transferred to any other agency, department or person without prior approval of the Central Government.
17. The user agency will implement the Resettlement and Rehabilitation Plan as per the R&R Policy of State Government.
18. The user agency will undertake transplantation of important tree species under 60 cm girth under the supervision of State Forest Department.
19. The State Government will not come up for opening up of the main Hasdeo - Arand area.
20. The user agency will ensure proper implementation of Wildlife Management Plan prepared by the State Government.
21. The user agency will assist the State Government in conservation and preservation of the flora and fauna of the area.
22. The State Government will suitably incorporate the comments, as suggested by of the WII, Dehradun, into the Wildlife Management Plan Prepared for the area. The project proponent has deposited an amount of Rs. 22 crores (Rs. Twenty two crores) towards cost of implementation of the Wildlife Management Plan. Increased costs, if any, due to incorporation of the suggestion of WII, Dehradun will be borne by the user agency. Final copy of the Wildlife Management Plan will be submitted to this Ministry and Regional Office, Bhopal within a period of three months for the purpose of monitoring. A soft copy in PDF format will also be submitted to MoEF New Delhi.
23. The user agency will make provision for appropriate financial outlay for the establishment of Rescue and Rehabilitation team to mitigate human-wildlife conflicts.
24. The wildlife management plan will be implemented by the State Government and independent institutions like the Nature Conservation Foundation, Wildlife Trust of India and the Center for Ecological Studies at the India Institute of Science apart from the Wildlife Institute of India may be involved in implementation of the Plan. In order to insure proper implementation of the Wildlife Management Plan, the State Government shall make necessary provisions for carrying out the monitoring and evaluation of the plan. It would be appropriate to include Chief wildlife Warden of the State in monitoring the implementation of the Plan.

25. The user agency will undertake and implement suitable mitigative measures as prescribed in the Wildlife Management Plan for reducing the dependency of cattle and people on the surrounding forest area.
26. Any other condition that the Chief Conservator of Forest (Central), Regional Office, Bhopal may impose from time to time in the interest of conservation, protection or development of forests.
27. The user agency shall submit the annual compliance report in respect of the above conditions to the State Government and to the Regional Office, Bhopal regularly.

संलग्न :- उपरोक्तानुसार ।

छत्तीसगढ़ के राज्यपाल के नाम से
तथा आदेशानुसार,


28/3/2012
(एम.डी. नंदी)

विशेष सचिव

छत्तीसगढ़ शासन, वन विभाग

रायपुर, दिनांक: 28/03/2012.

पृष्ठांकमांक एफ 5-4/2010/10-2

प्रतिलिपि :-

1. मुख्य वन संरक्षक (भू-प्रबंध) कार्यालय प्रधान मुख्य वन संरक्षक छत्तीसगढ़ रायपुर ।
2. वन संरक्षक, सरगुजा वृत्त अंबिकापुर ।
3. अवर सचिव, छत्तीसगढ़ शासन, खनिज साधन विभाग, मंत्रालय रायपुर ।
3. वनमंडलाधिकारी, दक्षिण सरगुजा वनमंडल अंबिकापुर ।
4. आवेदनकर्ता श्री एस.एम.गोयल, अतिरिक्त मुख्य अभियंता (C&F) राजस्थान राज्य विद्युत उत्पादन निगम लिमिटेड प्पोती नगर रायपुर (राजस्थान) ।

को ओर सूचनार्थ अट्रोपित ।

विशेष सचिव,

छत्तीसगढ़ शासन, वन विभाग



//TRUE COPY//

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI, NEW
DELHI

Appeal no. 73/2012

In the matter of:

Sudiep Shrivastava
r/o Dharam Prakash Chawl
Mungeli Naka Bilaspur
Chhattisgarh- 495001

..... Appellant

Versus

1. State of Chhattisgarh
Through the Principal Secretary (Forests)
Government of Chhattisgarh
Raipur
 2. Union of India
Through the Secretary
Ministry of Environment and Forests
Government of India
Paryavaran Bhawan, C.G.O Complex
Lodhi Road, New Delhi - 110003
 3. M/S Rajasthan Rajya Vidyut Utpadan Nigam Ltd
Vidyut Bhawan
Jyoti Nagar, Janpath
Jaipur- 302005
 4. Kente Basan Coilleries co. Ltd
C/O M/S Rajasthan Rajya Vidyut Utpadan Nigam Ltd
Vidyut Bhawan
Jyoti Nagar, Janpath
Jaipur- 302005
- Respondents

Counsel for appellant:

Mr. Raj Panjwani, sr. advocate along with
Mr. Rahul Choudhary, Mr. Ritwick Dutta
and Srilekha Advocate

Counsel for Respondents:

Mr. Atul Jha, Advocate for respondent no. 1
 Ms. Neelam Rathore, Mr. Vikramjeet,
Ms. Syed Amber Advocates for respondent no. 2
 Mr. Parag Tripathi sr. Advocate along with
 Mr. Kunal Verma Advocates for respondent no. 3
 Mr. Pinaki Mishra, sr. Advocate, Mr. Ravi Nair
 and Mr. Arjun Khera, Advocates for respondent no. 4

Present:

Hon'ble Mr. Justice Swatanter Kumar (Chairperson)
 Hon'ble Mr. U.D. Salvi (Judicial Member)
 Hon'ble Dr. D.K. Agrawal (Expert Member)
 Hon'ble Prof. A.R. Yousuf (Expert Member)
 Hon'ble Dr. R. C. Trivedi (Expert Member)

JUDGMENT

Per U.D. Salvi J.(Judicial Member)

Dated: 24th March, 2014

1. A diversion of 1898.328 hectares of forest land at Parsa East and Kante-Basan captive coal blocks (shortly referred to as PEKB Coal Blocks) situated in Hasdeo-Arand coal fields in Hasdeo-Arand forest- South Sarguja Forest Division, District Sarguja, Chhattisgarh in favour of M/s Rajasthan Rajya Vidyut Utpadan Nigam Ltd (shortly referred to as RVUNL) - the respondent no. 3 herein vide order no. F 5-4/2010/10-2 dated 28th March, 2012 passed by the State of Chhattisgarh - the respondent no. 1 herein in pursuance to the approval under section 2 the Forest (conservation) Act 1980 (shortly referred to as FC Act) accorded by

the Central Government the respondent no. 2 herein, finds challenge in the present Appeal.

2. Undisputed facts leading to the present appeal are as under: Tara, Parsa, and PEKB Coal Blocks are part of Hasdeo-Arand Coal Fields of Chhattisgarh, which fall in South Sarguja Forest Division. PEKB Coal Blocks ad measure 2388.525 hectares. Initially, the proposal dated 12th January, 2009 for diversion of 1898.328 hectares of forest land in PEKB Coal Blocks was forwarded by the State Government- State of Chhattisgarh the respondent no. 1 herein to MoEF-the respondent no.2 on 20th April, 2010. The respondent no.3- the project proponent on its own submitted a revised proposal regarding sequential mining of coal in two phases on 02nd March, 2011. Such revised proposal was the subject matter for deliberations before FAC on 10th March, 2011. The FAC appointed a sub-Committee to inspect, enquire into and to submit its report giving its findings in relation to Tara, Parsa and PEKB Coal Blocks. This sub-committee inspected some locations situated within the above coal blocks on 14th and 15th May, 2011 and submitted its observations/findings before the FAC. In its meeting convened on June, 20th and 21st 2011, the FAC considered the sub-Committee's observations/findings and took decision not to recommend the diversion of proposed forest area. In the said meeting, the FAC also dealt with the proposals for diversion of forest land falling in neighbouring coal fields, namely, Tara. On 22nd June, 2011 the final recommendations of the FAC rejecting the proposals for opening of Tara and PEKB Coal Blocks for mining

were placed before the Minister of State, Environment and Forest. The Hon'ble Minister preferred to disagree with the final recommendations of FAC, rejecting the proposal and decided to give stage-I approval in respect of the said proposals for forest clearance on 23rd June, 2011.

3. The Hon'ble Minister of State gave six reasons for his disagreement with the FAC, which are as follows:

- (i) The coal blocks are clearly in the Fringe and actually not in the Bio-diversity rich Hasedo Arand forest region (a "No Go" area); and are separated by a well-defined high hilly ridge with drainage into Aten river flowing towards Hariyarpur in the opposite direction making it fall in totally different watershed;
- (ii) Substantial changes in the mining plans as originally envisaged i.e. the revised proposal envisaging sequential mining in two phases- each phase of 15 years, firstly covering 762 hectares and in the next phase 1136 hectares, with reclamation of the mined out area to commence from the 3rd year onwards thus making it possible to link renewal for phase-II to performance on reforestation and bio-diversity management in phase-I;
- (iii) Wildlife concerns to be taken care of through a well prepared and well executed Wildlife Management Plan under the aegis of independent institutions like the Wildlife Institute of India (WII) with involvement of other independent institutions with expertise on elephant related issues like the Nature Conservation Foundation, Wildlife Trust of India and the Centre for Ecological Studies at the Indian Institute of Science;

(iv) Coal Blocks to be linked to super-critical thermal power generation stations making such linkage as an explicit pre-condition for approval;

(v) Power generation plants of Chhattisgarh and Rajasthan being closely linked to the said coal blocks, the said States have been persistently following up;

(vi) Imperative to sustain the momentum generated in the XI plan in terms of capacity addition in keeping with broader developmental picture and balancing of different objectives and considerations.

4. As a sequel to the Minister's approval the respondent no. 2-MoEF issued stage-II approval dated 15th March 2012 to the said proposal for forest clearance which was followed by the impugned order dated 28th March, 2012 passed by the respondent no. 1-State of Chhattisgarh.

5. The appellant took exceptions to the reasons cited to over-rule FAC's recommendations and contended that the Hon'ble Minister's rejection of FAC's recommendations was both legally and factually not tenable. According to the appellant the Hon'ble Minister of State had over-ruled the FAC's recommendations purely on his subjective assessment without there being any basis for it; and the Minister had no power to take a contrary view from the one taken by the expert body- the FAC. In support of this contention the appellant placed reliance on *TWP's* case [*T. N. Godavarman Thirumulpad versus Union of India*; (2010)13 SCC 740]. The appellant further submitted that the Hon'ble Minister has

completely ignored the fact of identification of PEKB Blocks as "No Go area" on the basis of the joint studies carried out by Ministry of Coal and MoEF, and the outcome of such studies is material in addressing environmental issues. The appellant further submitted that the joint study for identification of the areas as "Go" and "No Go areas" is not merely an administrative exercise but a requirement in pursuance to the Forest (Conservation) Rules 2003- Rule 7(2)(c) read with entry 8 of Form-A under Appendix to the Rules. The appellant contended that the material information with regard to flora and fauna was concealed by the project proponent while submitting forest clearance proposal and the cost-benefit analysis of the project is flawed. Incidents of man-elephant conflict, the appellant submitted, reveal that the area in question falls in elephant reserve corridor area and the Wildlife Management Plan prepared by the state and looked into by WII in a very casual manner is wholly inadequate and fails to prescribe measures to contain man-elephant conflict. According to the appellant there is enough coal deposit available in the classified "Go areas" i.e. outside "No Go Area" to cater to the coal demand in next 60 years and the Ministry ought to have considered these facts, particularly, when there is no need to allow mining in dense forest and the afforestation would not regenerate natural forest. The appellant pointed out that the Minister had on three previous occasions rejected coal mining projects in Hasdeo-Arand forest area- an un-fragmented forest area and had surprisingly taken a different view contrary to the earlier view in the instant case, particularly in

violation of the order dated 4th August, 2006 in *TWP* case (supra).

The appellant further pointed out that the condition of supply of this coal to super thermal power plants is not being complied with.

6. Besides oral submissions learned advocate Mr. Panjwani for appellant placed on record written submissions accompanied by compilation of documents in support. The parties hereto have placed their responses on record in form of their replies and rejoinders with accompaniments as well as written submissions, which have been perused.

7. The MoEF took a stand that the FAC is merely an advisory body and the MoEF is the decision making body, and as such the MoEF is competent to override the FAC's advice/recommendations. Accordingly the MoEF contended that the Hon'ble Minister of State has granted permission for forest clearance in question on the basis of six well thought-out logical reasons on 23rd June 2011. The MoEF further submitted that the concerns in relation to the wildlife were suitably addressed by getting comments from WII Dehradun on the Wildlife Management Plan submitted by the State Government, and on issuing directions to the State Government to incorporate them in Wildlife Management Plan and to the project proponent to bear the increased cost of Wildlife Management Plan vide order dated 13th March, 2012. Thus, on satisfaction of all the conditions stipulated, the Stage-II approval in question was granted.

8. Learned Counsel for the respondent no. 3 argued at length and further placed written submissions along with the

accompaniments on record. With reference to the provisions of Forest (Conservation) Act, 1980 and rules made thereunder, he argued that the role of FAC remained advisory and the power to grant approval to the proposal overriding the recommendations of FAC vested in the Central Government. He pointed out that the Hon'ble Apex court vide order dated 02nd February, 2004 in *I.A. No. 11266 in I.A. 703/2011 in writ petition (c) No. 202/1995* has stayed the operation of the Forest (Conservation) amendments Rules 2004 repealing Rule 8 of Forest (Conservation) Rules, and as such the said Rule 8 expressly spelling out the power of the Central Government either to grant approval to the proposal or to reject the same within 60 days requires to be taken into consideration. As regards the directions in *TWP's Case* (supra), he submitted, the same were passed in order to meet the peculiar situation arising in the matter of grant of temporary work permits in the cases of renewal of mining licenses and cannot be applied generally. In his view the process of identifying "Go" and "No Go" areas was at the proposal stage and was never given effect to and as such has/had no binding force in Law. Adverting to *Lafarge Umium Pvt Ltd. Case* [Lafarge Umiam Minig Pvt. Ltd. Vs. Union of India & ors: (2011)7SCC338], he submitted that the Government remained vested with sufficient discretion in deciding competing interest demand like development versus Population/environment/forest.

9. Our attention was invited to Forest map and mapping done by GIS cell of Forest Management Information System, Division Raipur, Chhattisgarh as well as to the observations made by the

sub-Committee appointed to inspect PEKB Coal Blocks to point out that the vegetation in the PEKB Coal Blocks is poor, and it is situated on the fringe of the Hasdeo-Arand Coal fields in different watershed. Our attention was also invited to the facts overlooked by FAC while tendering its advice. According to the respondent no. 3 translocation of the trees is being done with modern techniques and tools, and the sequential mining in two phases assures regeneration of forest cover.

10. The respondents further pointed out that the coal mined from PEKB Blocks was to be utilised by the public undertaking for power generation in the State of Rajasthan and the present need of power generation justified the exploitation of our coal reserves particularly when huge amounts were being spent needlessly on coal imports. The respondents submitted that the order passed by the Hon'ble Minister of State is, therefore, just and reasonable, and as such the appeal deserved to be dismissed.

11. Controversy thus raised begs the following questions, which if answered would help its resolution:

(I) whether the advice rendered by FAC is binding on the Minister dealing with the proposal for granting approval to the forest clearance under section 2 of the Forest (Conservation) Act, 1980 and what weight it needs to be given?

(II) Whether the reasons adduced by the Minister of State, Environment and Forest in the order dated 23rd June, 2011 have sufficient basis to outweigh the advice rendered by the FAC?

(III) What order?

12. For answering the first question, it would be worthwhile to examine the relevant provisions of FC Act. Section 2 of the FC Act, 1980 spells out the role of the Central Government in the matter of granting prior approval to the State Governments proposals for dereservation of forest or use of forest land for non-forest purpose. This provision assigns a pivotal role to the Central Government and not to the Forest Advisory Committee constituted under Section 3 of the FC Act in the matter of granting the prior approval to the State Government's proposal for forest clearance in the following words:

2. Restriction on the dereservation of forests or use of forest land for non- forest purpose-

Notwithstanding anything contained in any other law for the time being in force in a state, no state Government or other authority shall make, except with the prior approval of the Central Government, any order directing,-

(i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;

(ii) that any forest land or any portion thereof may be used for any non-forest purpose;

[(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;

(iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reforestation.]

[Explanation.- For the purpose of this section "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for-.....

A look at the Section 3 of the FC Act would clearly reveal that the Forest Advisory Committee is the creation of the Central Government made for seeking advice in the matters connected with the grant of approval under Section 2 of the FC Act and with the

Conservation of forest, which may be referred to it by the Central Government. Section 3 of the FC Acts reads as under:

3. Constitution of Advisory Committee.-

The Central Government may constitute a Committee consisting of such number of persons as it may deem fit to advise that Government with regard to-

- (i) The grant of approval under section 2; and
- (ii) any other matter connected with the conservation of forest which may be referred to it by the Central Government.

Incorporation of this provision in the FC Act implies how important is the need of an advise in the matter of grant of approval under Section 2 to the Central Government, and it empowers the Central Government to constitute a mechanism for advice. Further reading of the FC Act takes us to the power of the central Government to devise its own tools for carrying out the provisions of the Act. This power to make rules for carrying out the provisions of the Act is conferred on Central Government under section 4 of the FC Act. Reading of some of the relevant provision of the Forest (Conservation) rules 2003 framed in exercise of the powers conferred by sub-section 1 of Section 4 of the FC Act namely, Rule 3, 5, 6, 7, and now deleted Rule 8 would reveal the manner in which the provisions of FC Act are given effect to, and the character and roles of the FAC, State Government, Central Government and their respective organs/authorities.

Rule 3 Reads as under:

3. Composition of the Forest Advisory Committee.-

- (1) The Forest Advisory Committee shall be composed of the following members, namely:-
- (i) the Director General of Forest, Ministry of Environment and Forests - Chairperson

- (ii) the Additional Director General of Forests, Ministry of Environment and Forests - Member
- (iii) the Additional Commissioner(soil Conservation), Ministry of Agriculture - Member
- (iv) three non-official members who shall be Experts one each in Mining, civil Engineering and Development Economics - Members
- (v) the Inspector General of Forests (Forest Conservation), Ministry of Environment and Forests -Member Secretary

(2) Additional Director General of Forests shall act as the Chairperson in the absence of Director General of Forests.

Composition of the forest advisory Committee clearly reveals that it comprises of the experts or men of standing in the fields of environment and forest, soil conservation, mining, civil engineering, development, economics and forest conservation.

Rule 5 (iii) reads as under:

5. Conduct of the business of the Committee.-

.....

(iii) In a case where the Chairperson is satisfied that inspection of site or sites of forest land proposed to be used for non-forest purposes shall be necessary or expedient in connection with the consideration of the proposal or proposals received under sub-rule (3) of rule 6, he may direct that the meetings of the Committee to be held at a place other than New Delhi from where such inspection of site or sites is necessary.

This provision gives us an idea about the importance of inspection of site or sites of forest land proposed to be used for, non-forest purposes and the discretion vested in the Chairperson of the FAC to hold meeting at the very site of forest land in question in order

to get acquainted with the first-hand knowledge about the forest land in question.

Rule 6 of the FC Act reads as under:

Submission of proposals seeking approval of the Central Government under section 2 of the Act-

Every user agency, who wants to use any forest land for non-forestry purposes, shall make its proposal in the relevant Form appended to the rules, i.e., Form A for proposals seeking first time approval under the Act, and Form B for proposals seeking renewal of leases, where approval of the Central Government under the Act had already been obtained, to the Nodal Officer of the concerned State Government or the Union Territory Administration, as the case may be, along with requisite information and documents, complete in all respects.

The user agency shall endorse a copy of the proposal, along with a copy of the receipt obtained from the office of the **Nodal Officer, to the concerned Divisional Forest Officer or the Conservator of Forests, Regional Office, as well as the Monitoring Cell of the Forest Conservation Division of the Ministry of Environment and Forest, Paryavaran bhawan, CGO Complex, New Delhi-110003.**

(a) After having received the proposal, the State Government or the Union Territory Administration, as the case may be, shall process and forward it to the Central Government within a period of two hundred and ten days of the receipt of the proposal including the transit period.

(b) The Nodal Officer of State Government or as the case may be, the Union Territory Administration, after having received the proposal under sub-rule (1) and on being **satisfied that the proposal is complete in all respects, and requires prior approval under section 2 of the Act,** shall send the proposal to the concerned Divisional Forest Officer within a period of ten days of the receipt of the proposal:

(c) if the Nodal Officer of the State Government or the Union Territory Administration, as the case may be, finds that the proposal is incomplete, he shall return it within the period of ten days as specified under clause (b), to the user agency and this time period shall not be counted for any future reference.

(d) The Divisional Forest Officer or the Conservator of Forest shall examine the factual details and feasibility of the proposal, **certify the maps, carry out site-inspection and enumeration of the trees and forward his findings in the format specified in this regard to the Nodal Officer within a**

period of ninety days of the receipt of such proposal form him.

(e) (i) The Nodal Officer, through the Principal Chief Conservator of Forests shall forward the proposal to State Government or the Union Territory Administration, as the case may be, along with his recommendations, within a period of thirty days of the receipt of such proposal from the Divisional Forest Officer or the Conservator of Forests.

(f) If the proposal, alongwith the recommendations, is not received from the concerned State Government or the Union Territory Administration, as the case may be, till fifteen days of the expiry of the time limit as specified under clause (a), it shall be construed that the concerned State Government or, as the case may be, the Union Territory Administration, has rejected the proposal and the concerned State Government or the Union Territory Administration shall inform the user agency accordingly:

Provided that in case the State Government or the Union Territory Administration, as the case may be, subsequently forward the proposal, alongwith its recommendations, to the Regional Office or the Ministry of Environment and Forests, as the case may be, the proposal shall not be considered by the Central Government unless an explanation for the delay to the satisfaction of the Central Government is furnished, together with action taken against any individual held to be responsible for the delay.

(4) The proposal referred to in clause (ii) of sub-rule(3), involving forest land upto forty hectares shall be forwarded by the concerned State Government or as the case may be, the Union Territory Administration, along with its recommendations, to the Chief Conservator of Forests or the Conservator of Forests of the concerned Regional Officer of the Ministry of Environment and Forests, Government of India who shall, within a period of forty-five days of the receipt of the proposal from the concerned State Government or the Union Territory Administration, as the case may be (a) decide the diversion proposal upto five hectares other than the proposal relating to mining and encroachments, and (b) process, scrutinise and forward diversion proposal of more than five hectares and upto forty hectares including all proposals relating to mining and encroachments upto forty hectares, alongwith the recommendations, if any, to the Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, New Delhi - 110003, for obtaining the decision of the Central Government and inform the State Government or the Union Territory Administration, as the case may and the User Agency concerned.

(5) The Regional Empowered Committee shall decide the proposal involving diversion of forest, land upto forty hectares other than the proposal relating to mining and

encroachments, within forty-five days of the receipt of such proposal from the State Government or the Union Territory Administration, as the case may be:

Provided that the Central Government may, if consider it necessary, enhance or reduce the limit of the area of the forest land.

(6) The proposal referred to in clause (ii) of sub-rule(3), involving forest land of more than forty hectares, shall be forwarded by the concerned State Government or as the case may be, the Union Territory Administration, along with its recommendations, to the Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, New Delhi - 110003.

(ii) The State Government or the Union territory Administration, as the case may be, shall forward the complete proposal, along with its recommendations, to the Regional Office or the Ministry of Environment and Forest, Paryavaran Bhawan, CGO Complex, New Dlehi-110003, as the case may be, in the specified Forms within a period of sixty days of the receipt of the proposal form he Nodal Officer:

Provided that on the determination regarding completeness of the proposal or the expiry of ten days, whichever is earlier, the question of completeness or other wise of the proposal shall not be raised.

This rule read with Form A prescribed thereunder for proposals seeking first time approval under the Act reveals the importance of the requisite information, particularly concerning geographical situation of the required forest land, economic impact, vegetation, rare/endangered/unique species of flora and fauna, details of alternatives, details of compensatory afforestation schemes, site inspection report giving observations and recommendations of Conservator of Forest, recommendation of State Government departments in the matter of grant of approval of the Central Government to the proposal for forest clearance under Section 2 of the FC Act, and gives the entire dynamics of the proposal passing through various authorities for their recommendations before it reached the Central Government.

13. Amendments to the FC Rules due to Forest Conservation (Amendments) Rules 2004 Vide G.S.R. 94(E), dated 3rd February, 2004 have caused incorporation of Rule 7(1A) and deletion of Rule 8.

Rule 7(1A) reads as under:

[(1A) These proposals shall be processed and put up before the Committee and the recommendations of the Committee shall be placed within a period of ninety days of the receipt of such proposals from the State Government or the Union Territory Administration, as the case may be, before the Central Government for its decision.]

However, it is brought to our notice that the implementation of the said amendments to the rules has been stayed by the Hon'ble Apex Court vide order dated Feb 02, 2004 in I.A No. 1126 in I.A No. 703/2000 in Writ petition(c) 202/1995. In effect, therefore, we have to read rule 7 sans the amended rule IA and with rule 8, which read as under:

7. Committee to advise on proposals received by the Central Government -

(1) **The Central Government shall refer every proposal, complete in all respects, received by it under [sub-rule (6) of rule 6] including site inspection report, wherever required, to the Committee for its advice thereon.**

(2) **The Committee shall have due regard to all or any of the following matters while tendering its advice on the proposals referred to it under sub-rule (1) namely: -**

(a) **whether the forests land proposed to be used for non-forest purpose forms part of a nature reserve, national park wildlife sanctuary, biosphere reserve or forms part of the habitat or any endangered or threatened species of flora and fauna or of an area lying in severely eroded catchment;**

(b) **whether the use of any forest land is for agricultural purposes or for the rehabilitation of persons displaced from their residences by reason of any river valley or hydro-electric project;**

(c) whether the State Government [or the Union Territory Administration, as the case may be,] has certified that it has considered all other alternatives and that no other alternatives in the circumstances are feasible and that the **required area is the minimum needed for the purpose;** and
 (d) Whether the State Government [or the Union Territory Administration, as the case may be,] undertakes to provide at its cost for the acquisition of land of an equivalent area and afforestation thereof.

3. While tendering the advice, the Committee may also suggest any conditions or restrictions on the use of any forest land for any non-forest purpose, which in its opinion, would minimise adverse environmental impact.

Rule 8. Action of the Central Government on the advice of the Committee.-

The Central Government shall, after considering the advice of the Committee tendered under rule 7 and after such further enquiry as it may consider necessary, grant approval to the proposal with or without conditions or reject the same within sixty days of its receipt.

14. Use of word "Advice" in Rule 7 and Rule 8 makes a great **sense and must be read in its ordinary and grammatical sense** for understanding the correct import of the word "Advice" Learned Counsel of respondent no. 3 referred to its dictionary meanings vide- Webster's comprehensive dictionary 2003 and The Law lexicon 3rd edition 2012 and quoted extracts from the judgments delivered by the Hon'ble Supreme Court: *Tourist Hotel Vs. State of Andhra Pradesh and Anr.* (1975) ILLJ 211 AP , *A.N. D'silva Vs. Union of India* AIR 1962 SC 130 , *In Buddhadev Maity and Ors. Vs. Union of India (UOI) and Ors.*, (2010) IVLLJ 451 Del and *Union of India Vs. TRAI 74* (1998) DLT2 82.

15. To meet the submissions of the respondents, learned counsel for the appellant has placed reliance on the order dated 4th

August 2006 passed by the Hon'ble Supreme Court in *IA No. 1598-1600 in WP(C) no. 202/1995: T.N Godawaramn Thirumulkapad Versus Union of India and others:(2010)13SCC 740*. He particularly invited our attention to the following directions at Para 20(x) to (xii) in the Said order:

Para20(x) All proposals for grant of the FC Act clearances and TWP's in respect of mining leases shall be placed before FAC. Where FAC by order recommends the grant of a clearance or a TWP, MoEF shall, within a period of four weeks from the date of such order, issue orders for the grant of clearance on the usual terms, including those relating to the payment of NPV;

Provided where a TWP is being granted, it shall only be for a period not exceeding one year and upon payment of NPV for the already broken up area;

(xi) Decision on grant of a TWP shall be taken before the expiry of the mining lease. Decision of MoEF on the proposal for diversion of forest land for mining lease under the FC Act shall be conveyed to the user agency before the expiry of TWP.

(xii) In case MoEF disagrees with the recommendation of FAC, it shall record its reasons in writing and communicate the same to FAC, and FAC may, after considering such reasons, pass such further orders as it thinks fit;

Provided where the Government still disagrees with the order passed by FAC, it may seek appropriate direction from this court;

16. It is pointed out to us by the respondents that the Hon'ble Supreme Court was considering a peculiar situation arising out of issuance of temporary working permissions (TWP) in cases of renewal of mining leases without following the procedure under the FC Act and had laid down the pre-conditions and procedure for grant of TWP's vide para 20 in said judgment. It is correct that the Hon'ble Supreme Court was not dealing with the case of grant of approval for fresh mining licenses and was dealing with the peculiar situation before it. This is apparent from a bare perusal of the order:

“18. On considerations thereof, the conditions precedent for the grant of TWP's as well as the procedure for their grant shall be as provided hereinafter. At the outset, it is clarified that TWP's shall be granted only where the following conditions are satisfied.

Preconditions:

19.(i) TWP's can only be granted for the renewal of mining leases, and not where the lease is being granted for the first time to the applicant user agency:

(ii) The mine is not located inside any national park/sanctuary notified under sections 18, 26-A or 35 of the Wild Life (Protection) Act, 1972”.

.....

17. As observed herein above the FAC is constituted by the Central Government under Section 3 of the FC Act for the purposes of seeking advice and is composed of experts or men of standing in the fields of forest, forest conservation, soil conservation, mining, civil engineering and development economics, who are specialised in their approaches and as such have ability to look at the problem with a view based on their technical knowledge and experience in their respective fields which a generalist or bureaucrat may seldom possess; and therefore, the FAC on getting conversant with the ground realities can render valuable and objective advice to the Central Government. Pertinently, the proposal for forest clearance accompanied with the feedbacks/recommendations collated during the processing of the said proposal moves on to the Central Government which is under obligation as per Rule 7 of the FC rules to refer it to the FAC for its advice. There is also provision made in the FC Rules to enable the FAC to gain first-hand knowledge by conducting a site inspection. All this signifies the worth of the study of the problem from all angles to formulate holistic

authoritative view point for its meaningful resolution and consequent rendering of advice.

18. On this backdrop learned counsel for the appellant submitted that the advice of the FAC is therefore binding on the Minister. At this juncture it is worthwhile to refer to *Tourist Hotel Vs. State of Andhra Pradesh and Anr.* (1975) ILLJ 211 AP wherein it was thus observed:

"The word Advise" appearing in Section 5 like the word "Consultation" is quite often used and is well understood. These words, in circumstances such as here, are interchangeable words. Although no purpose will be served in attempting to define the word "advise", it is useful to keep in mind its popular meaning. 20th Century Chamber's Dictionary gives amongst others, the meaning as "to counsel" or "to consult". Likewise, the Shorter Oxford Dictionary gives as one definition of the verb to consult "to ask advice of", "seek counsel from". The term "advise" however, like "consult", is not synonymous with "direct" or "instruct". When Section 5 authorises the committee to advise, it has no power to direct or instruct the Government. The Committee can only counsel and the Government is not bound by the advice.

19. In the entire scheme of FC Act and the rules made therein there is no provision which give the meaning of the word 'advice' or makes the acceptance of the advice tendered by the FAC obligatory. The formation of the FAC is for the purposes of ensuring the fair and fully informed decision by the Minister without any arbitrariness in the matter of grant of approval under Section 2 of the FC Act. Judgments cited by the respondent no. 3 do point out creation of similar mechanism of rendering advice under the Constitution as well as statute. In *A.N D'silva Case (supra)* the Apex Court held that the *President is by Art. 320 of the Constitution required to consult the Public Service Commission (except in certain*

cases, which are not material) but the President is not bound by the advice of the Commission. Likewise in *Jatinder Kumar Case* [(1985) 1 SCC 122: *Jatinder Kumar and ors. Vs. State of Punjab and Ors.*] the Hon'ble Apex Court observed that the fact that there is no provision in the Constitution which makes the acceptance of the advice tendered by the Commission, when consulted, obligatory rendered the provisions of Article 320(3) only directory and not mandatory. The selection by the Commission however, is only a recommendation of the Commission and the final authority for appointment is the Government. The Government may accept the recommendation or may decline to accept the same.

20. Given a proper meaning to the word "Advise" used in section 3 of the FC Act and the rules framed there under, it is not difficult to see that the function of FAC is to give advice or to make recommendations to the Central Government (MoEF) which the Central Government is under obligation to consider but is free to take such decision granting approval to the proposal with or without conditions or rejecting the same after such further enquiry as it may consider necessary. In other words, considering the scheme of the FC Act and the Rules made thereunder, in our considered view, such an advice is not binding *stricto sensu* on the Central Government (Minister of State Environment and Forest) but the Central Government remains under obligation to duly consider the advice of the FAC and pass a reasoned order either accepting with or without condition or rejecting the same based on

facts, studies and such other authoritative material, if necessary gathered from further enquiry.

21. In our considered view the advice of the FAC springs from its opinion- an opinion of an expert body and to overturn the same there should be appropriate reasoning backed by data the expert's opinion carries its value, not only persuasive but weighty enough to tilt the scales either in favour or against the proposal examined and as such cannot be brushed aside on conjectures or imaginative grounds having no basis anywhere. Mere expression of the fanciful reasons relating to environmental concerns without any basis in fact situation, scientific study or past experience would not render the advice of the FAC- a body of experts inconsequential. The Minister rejecting the recommendation of such expert body must bear in mind that he is countering an expert opinion/viewpoint and in doing so he must meet it with such opinion or viewpoint which it would outweigh both by content and quality as aforesaid. The first question in relation to the nature and weight of the advice of the FAC is answered accordingly.

22. The answer to the first question obliges us to assess weight of the reasons adduced for rejecting the advice of the FAC and the validity of the consequent approval dated 23rd June, 2011 granted by the Minister to the proposal for forest clearance in relation. It is revealed that the FAC had appointed a sub-committee comprising of: (i) Additional Director General of Forest (Forest Conservation). (ii) Non- Official Member of the FAC. (iii) Assistant Inspector General of Forest along with Nodal Officer

Forest (Conservation) Act, 1980 of Government of Chhattisgarh for the inspection of the Coal Blocks (including PEKB) located in Hasdeo-Arand Coalfields in the meeting held on 10th March, 2011. The sub-committee inspected some locations in the said Coal Blocks and interacted with the field officials and project affected persons on 15th May, 2011 vide annexure-I to the report of site inspections on annexure-A2 to the appeal.

Observations/findings of the sub-committee are as below:

(A). General Observations.

(i). These blocks are located near northern boundary of the Hasdeo-Arand landscape/coal field which comes in "Category A" according to the Joint study undertaken by MoEF and MoC.

(ii). The area generally supports good forest cover comprising of SAL (*Shoera robusta*) and its associates of varying density. The visit was during the season in which many species shed their leaves, crop condition on the spots visited, suggests that the crop density closer to (more or less matches with) the forest cover maps prepared by the Forest Survey of India (FSI). The team wanted to do an analysis of stand density by using tele-relascope or wedge prism. But this could not be done since no such equipment was available in the department. The team, advised the Nodal Officer to get an analysis done at some of the spots visited and furnish a complete and more accurate report. The Working Plan maps were found to be seriously deficient and incomplete in crucial respects. In particular, at several places, the crop density was shown much lower than actual. Further, at some places even the boundary and boundary pillars were not matching what was shown on the map. Personnel were unable to adequately explain the inaccurate reportage on the density or on salient points on the maps.

This is a very serious matter as the information purports to contradict the FSI maps. The latter, is the nodal agency for generating data and interpreting it as information on forest density. The team found the FSI data base to be sound in terms of the ground realities.

(iii) During the short visit of the sub-committee, it was not possible to ascertain the extent of presence of wildlife (fauna and avifauna) in these Blocks. However, the area appears to be suitable and existing habitat for wild vertebrates including large mammals reported to be present there.

DFO, the South Surguja Division while forwarding the proposal for diversion of forest land in the Tara Coal Block in his site inspection note dated 2nd May, 2007 indicated that the area is rich in bio-diversity. These lists included Schedule-I Species (under the Wildlife Protection Act, 1972) such as the sloth bear and leopard. Their presence in turn indicates a population of wild prey species.

(iv) Previous reports of endangered species include a November 2005 sighting of a small herd of wild elephants that moved from Maheshpur to Salhi via Kantaroli, Abhaipur and Janardanpur. The elephants stayed in this area for nearly four days. The team headed by DGF and SS during their visit to the area on 27th and 28th August 2009 also confirmed the presence of elephants in the area. It appears that part of the area possibly serves as elephant corridor from Surguja to Korba districts. The Nodal officer was asked to submit the map showing the proposed Elephant Reserves or main populations of elephants in and around the proposed area. It might be apt to note that the

2007 Report of the MoEF on elephant- human conflict in the state had given special emphasis to maintaining the larger landscape outside the two proposed Elephant Reserves intact to enable movement and minimize conflict. The landscape is general and the forest corridors in particular will be fragmented and will be severely and irreparable degraded in quality unless there is protection of the tree cover.

(v) Interaction with villagers, who are likely to be affected if the projects become operational, revealed inadequate knowledge about the R&R policy/measures. There is a serious need for an independent assessment of the efficacy of the schemes. The team also noted the presence of the project proponents during the interaction. The latter left the site only after polite but firm request to the team. This enabled more frank and free exchange of views with the citizens resident in the forest area. Such presence during interaction with PAP's is not advisable and this point is of significance for the local administration.

(vi) As per the information provided by the Nodal Officer, Forest(Conservation) Act, 1980, Government of Chhattisgarh the process for settlement of community rights, in accordance with the provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, on the forest land proposed for diversion have not been completed, so far. There is a lack of basic awareness of such provisions in this very important Union legislation on the matter of forest and community rights. Any such settlement is to include not only those residents in the Reserved Forests but others who may be dependent on the said forests. This means the process of the settlement of rights prior to application for clearance is

incomplete and not in full conformity with the law and regulations thereof.

As regards PEKB Coal Block the sub-committee observed;

(c) Parsa East and Kante Basan Coal Block

(v) The quality of the forest cover available in the PEKB coal block is poorer compared to area in the Tara coal block. However, as per the study jointly undertaken by the MoEF and MoC Gross Forest Cover is 52.95% and Weighted Forest Cover comes to 27.55%.

The sub-committee concluded on the basis of the said observations that it was not advisable to recommend diversion of the proposed forest areas. It noted that improvement in the quality of reportage on forest quality and conditions from the State Government was the need of the hour to enable sound judgement in such cases.

23. Meeting of the FAC was convened on June, 20th/21st, 2011, when the proposal for diversion of the forest land PEKB Coal Block in question was considered. The minutes of this meeting provide some access to the mind of the FAC and therefore the relevant portion of the minutes is reproduced herein below:

11. Diversion of 1898.328 ha of forest land for Parsa East and Kante Basan captive coal block open cast mining project in favour of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited in South Surguja Division in Surguja district of Chaattisgarh.

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The Committee reconsidered the proposal and noted that the Committee in its meeting dated 10-03-2011 decided to visit the site to have better appreciation of the proposal. The coal produced shall be used in two thermal power projects in Jhalawad district of Rajasthan. The Committee listened to the presentation made by the Nodal Officer (FAC) of the State & the project proponent and noted the following:

- (i). The coal block is on the northern fringe of Hasdeo-Arand
- (ii). The mining is planned in two phases with the aim of? Sequential mining, scientific void management, planned

felling of tress and afforestation, top soil management, and reclamation, etc.

(iii) In phase-I (15 years), total requirement of forest area is 762 ha (40% of total), where 1,25,547 trees will be affected.

(iv) In phase-II (16th year onwards), total requirement of forest area will be 1136.328ha, where 2,42,670 trees will be affected.

(v). The reclamation of mined out area will start from 3rd year onwards.

(vi). The project belongs to the State Government and is directed to meet the energy requirements of the State.

The FAC also taken into consideration the observations of the sub-committee of the FAC, which visited the area recently. The Sub-committee consisted of Shri A.K. Bansal, Dr. Mahesh Rangarajan and Shri Harish Chaudhary and its report is part of the minutes as Annexure. It concluded that:

(i). The Quality of the forest cover available in the Parsa East and Kante Basan coal block is poorer compared to area in the Tara coal block. However, as per the study jointly undertaken by the MoEF and MoC Gross Forest Cover is 52.95% and Weighted Forest Cover comes to 27.55%.

(ii). During the short visit of the sub-committee, it was not possible to ascertain the extent of presence of wildlife (fauna and avifauna). However, the area appears to be suitable **and existing habitat for wild vertebrates including large mammals** that are in schedule I of the Wildlife (Protection) Act. DFO, South Surguja Division, while forwarding the proposal for diversion of forest land in the Tara coal Block, in his site inspection note dated 2nd may 2007 indicated that the area is rich in bio-diversity. These lists included Schedule-I Species (under the Wildlife Protection Act, 1972) such as the sloth bear and leopard. Their presence in turn indicates a population of wild prey species.

(iii). Previous reports of endangered species include a Novemebr 2005 sighting of a small herd of wild elephants that moved from Maheshpur to Salhi via Kantaroli, Abhaipur and Janardanpur. The elephants stayed in this area for nearly four days. The team headed by DGF&SS during their visit to the area on 27th & 28th August 2009 also confirmed the presence of elephants in the area.

(iv). Interaction with villagers, who are likely to be affected if the projects become operational, revealed inadequate knowledge about the R&R policy/measures. The process of the FRA, especially of settlement of community rights is not complete.

Based on the above findings/observations the sub-committee, the FAC does not recommend the diversion of the proposed forest area.

24. On this backdrop, the order dated 23rd June, 2011 of the Minister expressing his disagreement with the final recommendations of the FAC makes an interesting reading. It is evident that the final recommendations of the FAC were received by the Minister on June 22nd, 2011 and the next day the Minister rejected the recommendations/advice of FAC giving six reasons for his disagreement with the FAC. It appears that the Minister did not think it necessary either to ask the FAC to examine worth of his views, particularly those in respect of which the FAC was not candid, in light of their knowledge and experience, or embark upon such enquiry single handedly or with the aid of such other experts to find basis for his view, understanding and belief in any fact situation, past experience or scientific study.

25. Before we examine the reasons adduced by the Minister, it is worthwhile to take hint from the words of the Hon'ble Apex Court in Para 19, 20 and 30 of the judgment delivered in Lafarge Umium Pvt Ltd case (supra) which reads as under:

19. Universal human dependence on the use of environmental resources for the most basic needs renders it impossible to refrain from altering environment. As a result, environmental conflicts are ineradicable and environmental protection is always a matter of degree, inescapably requiring choices as to the appropriate level of environmental protection and the risks which are to be regulated. This aspect is recognized by the concept of "sustainable development". It is equally well-settled by the decision of this court in the case of Narmada Bachao Andolan v. Union of India and Ors. MANU/SC/0640/2000: (2000) 10SCC 644 that environment has different facets and care of the environment is an on-going process. These concepts rule out the formulation of across-the-board principle as it would depend on the facts of each case whether diversion in a given case should be permitted or not, barring "No Go"

areas (whose identification would again depend on undertaking of due diligence exercise). In such cases, the Margin of Appreciation Doctrine would apply.

20. Making these choices necessitates decisions, not only about how risks should be regulated, how much protection is enough, and whether ends served by environmental protection could be pursued more effectively by diverting resources to other uses. Since the nature and degree of environmental risk posed by different activities varies, the implementation of environmental rights and duties require proper decision making based on informed reasons about the ends which may ultimately be pursued, as much as but the means for attaining them. Setting the standards of environmental protection involves mediating conflicting visions of what is of value in human life.....

30. Time has come for us to apply the constitutional "doctrine of proportionality" to the matters concerning environment as a part of the process of judicial review in contradistinction to merit review. It cannot be gainsaid that utilization of the environment and its natural resources has to be in a way that is consistent with principles of sustainable development and intergenerational equity, but balancing of these equities may entail policy choices. In the circumstances, barring exceptions, decisions relating to utilization of natural resources have to be tested on the anvil of the well-recognised principles of judicial review. Have all the relevant factors been taken into account? Have any extraneous factors influenced the decision? Is the decision strictly in accordance with the legislature policy underlying the law (if any) that governs the field? Is the decision consistent with the principles of sustainable development in the sense that has the decision-maker taken into account the said principle and, on the basis of relevant considerations, arrived at a balanced decision? Thus, the court should review the decision-making process to ensure that the decision of MoEF is fair and fully informed, based on the correct principles, and free from any bias or restraint. Once this ensured, then the doctrine of "margin of appreciation" in favour of the decision-maker would come into play. Our above view is further strengthened by the decision of the Court of Appeal in the case of R.V Chester City Council reported in (201) 1 All ER 476.

The precious words of the Hon'ble Apex Court do hint at two things:

1. there are no across the board principles to state what is

sustainable development as it would depend on the facts of each case. 2. Proper decision making needs to be based on informed reasons about the ends pursued.

26. The Minister while passing the order dated 23rd June, 2011 exercised statutory discretion and to judge its validity, normally, the test based on Wednesbury Principle needs to be applied. Whenever a decision making function is entrusted to the subjective satisfaction of a statutory functionary, there is an implicit obligation on such functionary, like the Minister in the present case, to apply his mind to pertinent and proximate matters only, issuing the irrelevant and the remote. A decision is said to be unreasonable in Wednesbury sense if (i) it is based on wholly irrelevant material or wholly irrelevant consideration, (ii) it has ignored a very relevant material which it should have taken into consideration, or (iii) it is so absurd that no sensible person could ever have reached to it. Controversies relating to arbitrariness thus can be determine on application of Wednesbury Principle, and for that purpose it is necessary to examine whether relevant matters had not been taken into account. In other words it needs to be understood whether the Minister's decision was fair and fully informed and consistent with the principle of sustainable development.

27. First three reasons relate to the environment and the rest relate to the developmental issues. According to the Minister the said coal block in question is linked to super critical thermal power generation station and such linkage is made an explicit pre-

condition for approval. The Minister further reasoned that keeping in view the persistent follow up by the State Governments of Chhattisgarh and Rajasthan as their power generation plans are closely linked to the coal block in question and the broader developmental picture for sustaining momentum generation in XIth plan in terms of capacity additions, there is need to open the said Coal Blocks as proposed by the Chhattisgarh Government. With the increasing demand for the power, one can legitimately feel the need for development of the power resources. The Minister added that the super critical technology is essential for the country in order to deal with global warming issues and concerns; and with the 660/800 MW super critical technology, anywhere between 5-8 per cent lower emission of carbon dioxide will accrue over a conventional sub-critical 500MW power units, which have been put up so far; and super-critical and ultra-supercritical thermal power plants have to proliferate rapidly as our energy demand is to be met in environmental acceptable manner. In this regard the appellant contended that though the mining activity has started the super-critical plants have not been constructed as yet.

28. Understandably, there is a reason for the State Governments to persistently follow up the opening of the coalfields as there power generation plants are linked to the coal blocks. However, these are anthropocentric reasons the merit of which needs to be evaluated in context with ecocentric reasons in order to understand whether the development proposed is sustainable. In our considered view

such reasons adduced by the Minister order dated 23rd June, 2011 *per se* therefore, cannot be the basis for rejecting the FACs advice.

29. Learned Counsel for the appellant further questioned the allotment of the Coal Block in question particularly when it fell in "No Go Area" as identified in the joint study undertaken by the MoC and the MoEF. According to him Suhagpur Coalfield, which was 200 kms distance from the power plant and which fell in "Go Area" could have been considered for allotment instead of the coal Block in question. This submission, though tempting, is preposterous. We are considering the merit of the Minister decision rejecting the FACs advice and not the issue of allocation of a Coal Reserve, the decision of which is taken by the Central Government in accordance with The Mines and Minerals (Development and Regulation) Act, 1957. Rule 7(2)(c) of FC rules if r.w Para 8 of Form-A under FC rules would reveal that it deals with what the State Government has to comment regarding the proposal for diversion of the forest land in hand i.e. column 2 of Part I of the Form-A filled by the user agency/project proponent as to the barest minimum requirement for the said project and if the project is unavoidable recommended area for each of the items in the project with details of the alternatives therefor. The submission made therefore, cannot form the basis of evaluating the merit of the action of the Minister in dealing with proposal of forest Clearance under FC Act.

30. Adverting to the Lafarge Umiam Pvt. Ltd case (*supra*), Learned Counsel for the applicant submitted that the Minister had

completely misread the fact of identification of the PEKB Blocks by the joint study undertaken by the MoC and MoEF as Category-A "No Go Area" as "actually not....(a No Go Area)", and consequently ignored the National Forest Policy 1988 which the Hon'ble Apex Court had declared it to be a governing factor in the matter of grant of forest clearance under Section 2 of FC Act 1980 in the following words:

Care for environment is an ongoing process. Time has come for this Court to declare that the National Forest Policy, 1988 which lays down far-reaching principles must necessarily govern the grant of permissions under Section 2 of the Forest (Conservation) Act, 1980 as the same provides the road map to ecological protection and improvement under the Environment (protection) Act, 1986. The principles/guidelines mentioned in the **National Forest Policy, 1988 should be read as part of the provisions of the Environment (Protection) Act, 1986 read together with the Forest (Conservation) Act, 1980.**

Our attention was also invited to the worth of the forest land, manner of its assessment and importance of its conservation as highlighted in National Forest Policy, 1988 at Para No. 4.4.1 therein which is quoted herein below:

4.4.1 Forest land or land with tree cover should not be treated merely as a resource readily available to be utilised for various projects and programmes, but as a national asset which requires to be properly safeguarded for providing sustained benefits to the entire community. Diversion of forest land for any non-forest purpose should be subject to the most careful examinations by specialists from the standpoint of social and environmental costs and benefits. Construction of dams and reservoirs; mining and industrial development and expansion of **agriculture should be consistent with the needs for conservation of trees and forests.** Projects which involve such diversion should at least provide in their

investment budget, funds for regeneration/compensatory afforestation.

Our attention was also invited to the draft note for Cabinet annexure A-31 on building of infrastructure for enhancing coal production on diversion of forest land with least possible adverse impact on environment in general and forest and wildlife in particular.

31. From these submissions it is crystal-clear that the Minister while taking decision under Section 2 of the FC Act, 1980 ought to have been mindful of the exhortations of the National Forest Policy, 1988. Forest land is a national asset which requires to be properly safeguarded for providing sustained benefits to the entire community. As observed by the Hon'ble Apex Court diversion of forest land for any non-forest purpose is required to be made on the basis of most careful examination of any such proposal by specialist to evaluate social and environmental cost and benefits. What matters therefore, in the instant case are the first three reasons which deal with environment from the point of view of cost incurred in terms of loss of forest and damage to the wildlife interest therein as well as regeneration/compensatory afforestation.

32. Order dated 23rd June, 2011 reveals that the Minister considered the PEKB Block as falling in the fringe and actually not in bio-diversity rich Hasdeo-Arand forest region ("No Go Area") separated by a well-defined high hilly ridge with drainage into Aten river which flows towards Hariarpur in the opposite direction- a totally different watershed.

33. If one looks to comments of the MoEF on a draft note for Cabinet referred to herein in above vide Annexure A-31 it can be

seen that the MoEF on suggestions from Ministry of Coal (MoC) had jointly undertaken a study in nine major coalfields to classify coal blocks into two categories-

Category A ("No Go Area") and Category B ("Go Area") in order to facilitate objective, informed and transparent decision on diversion of forest land for coal mining projects. Accordingly fragmented forest landscape having crown density more than 0.50 were named as Category A ("No Go Area") and fragmented forest landscapes having crown density less than 0.50 were named as Category B ("Go Area"). It further reveals that with the objective to achieve coal production target by causing least possible adverse impact on environment in general and forest and wildlife in particular, the MoEF and MoC had initially agreed and that the proposal seeking diversion of forest land for coal mining shall be considered only in Category B area.

34. In this context, what weighed in the mind of the FAC is the outcome of the joint study undertaken by the MoEF and MoC vis-a-vis forest cover in the coal blocks in South Sarguja division, which is reproduced hereunder.

	Tara Central	Parsa	Parsa East	Kente	Parsa East plus Kente
VDF	1529	120	0	205	205
MDF	363	514	380	460	840
OF	36	49	141	201	342
Total Forest Cover	1928	683	521	866	1387
Scrub	0	0	0	0	0
Water	0	0	0	0	0
NF	475	555	746	486	1232
Grant Total	2403	1238	1267	1352	2619

Weighted Forest Cover(EFC)	1508.30	396.95	244.25	477.50	721.25
% Weighted Forest Cover	62.77%	32.06%	19.028%	35.32%	27.55%
% Gross Forest Cover(GFC)	80.23%	55.17%	41.12%	64.05%	52.95%
Status as per % WFC and GFC with the threshold limit of 10% & 30% resp.	A	A	A	A	A

These facts and figures on which the FAC based its opinion/advise are drawn from the working plan of the South Sarguja forest division. It can also be seen that the applicant has pegged his entire case on the said working plan in order to contend that the Ministry had not taken the relevant consideration in mind while issuing an order under Section 2 of the land in question. This approach has been assailed by the respondents particularly the respondent no. 3 the project proponent with an argument that the facts and figures forming the basis of FAC opinion have been culled out from the data for the entire area of South Sarguja Division which spreads over 2,51,539.180 hectares of which the PEKB Block ad measuring 2,388.525 hectares is a part; and the computation of the trees density for 1898.328 hectares of the land culled out from PEKB Block on the basis of 4.6% sampling would differ.

35. According to the respondent no. 3 the computation of the tree density in the entire South Sarguja Forest Division was based on 435 sample plots of the size of 0.1 hectares. This sample plot data so computed was extrapolated to work out tree density for whole of the South Sarguja Division. Out of these 435 sample plots 93 sample plots were laid out in the Udaipur range area wherein falls PEKB Coal Blocks. Thus 9.3 hectares (93 sample plots into 0.1 hectares) i.e. 0.003% of the entire Udaipur range was sampled for the purpose of working out tree density.

36. In this context it was urged on behalf of the appellant that the total number of trees mentioned in the recommendations forwarded by the respondent no. 1 State Government to the respondent no. 2 MOEF is incorrect and misleading in as much as the total number of trees initially enumerated were 4,24,701 trees which were subsequently reduced to 3,68,217 without any physical counting. Answering this contention, the respondent no. 3 pointed out that this reduction in enumeration of trees is due to reduction in the forest area in the diversion proposal and change in the method of sampling and the intensity thereof. It is revealed that the initial figure of 2,10,701 trees was calculated on the basis of sampling carried out in September, 2008 on 78 sample plots and measuring 0.1 hectares on forest area of 1,954.236 hectares. Thus the total area sampled was 7.8 hectares i.e. 0.40% of the then forest area. On 12th January, 2009 the respondent no. 3 amended its proposal and reduced the forest land for which the diversion was sought from 1,954.236 hectares to 1898.32 hectares. In the

second sampling, 88 sample plots of one hectare each were laid on the forest area ad measuring 1898.32 hectares using the geographical positioning system along with grid map of Forest Management Information System. Thus, the total area on which sampling was carried out was 88 hectares with 4.6% of the total forest area and the total number of trees enumerated worked out to 3,68,217.

37. Our attention was invited to the letter dated 5th September, 2008 issued by Chief Conservator of Forest (land management) giving instruction to all the Conservator of forest to carry out **sampling in accordance with National Working Plan Code** which provides that inspection by conventional tools should not be less than 5% and with the use of modern tools sampling intensity can be reduced to one percent. By these standards 4.6% sampling of the land in question ad measuring 1,898.328 hectares' of forest appears to be more scientific logical and invasive in nature and for that reason the contentions of the applicant regarding furnishing of incorrect /misleading data deserves to be rejected. Pertinently, the proposal made for dereservation forest land in question referred to the density in revenue forest at 0.1 to 0.4 and density in protected forest at 0.3 to 0.6- the facts confirmed by Divisional Conservator of Forest, Central Regional Office of MoEF upon a site visit on 17-06-2010. However, this by itself fails to answer whether PEKB Coal Block can be regarded as a "Go Area", in terms of the joint study undertaken by MoC and MoEF and could be regarded

as "actually not falling in Bio-diversity rich No Go Area", as referred to by the Minister in his order dated 23rd June, 2011.

38. As regards of fringe area the only material observation made by the FAC is the Coal Block on the Northern Fringe of Hasdeo-Arand. Perusal of the detailed map prepared by the GIS cell of Forest Management Information System, Division Raipur, Chhattisgarh on a scale of 1:375,000 depicting the forest cover based on digitally interpreted on ARSP6 LISS-III data of October, 2008-09 from FSI report of 2011 reveals physical features of the Hasdeo-Arand forest including PEKB Coal Block. Apparently, the entire South Sarguja Forest Division is made of two forest ranges well separated by an arc of 50 km or so wherein there are human settlements with concomitant agricultural fields and industrial areas along with occasional open forest- the first and the major one is found lying on the border of Jharkhand, Orissa and Madhya Pradesh and the second one in Udaipur range and surrounding wherein lie the coalfields on the South. It also reveals that PEKB Coal Blocks in question lies on the Northern boundary of Hasdeo-Arand coalfields comprising of Tara, Parsa, Parsa East, Kante and Parsa East and kante together refer to as PEKB Coal Block and the forest cover in the PEKB Blocks is less as compared to the remaining area of Hasdeo-Arand Coalfields (not forest). Thus, it can be seen that with the change in density of vegetation there is change in habitat or eco-system i.e. from open forest to mid-density forest and to very dense forest. To this extent it can be said to be in the fringe area of the Coal Blocks, but we find no basis for the

Ministers opinion or understanding that it was “actually not in Hasdeo-Arand forest region (a No Go Area)” i.e. in other words in “Go Area” of Hasdeo-Arand forest region. It can also be seen from the map produced before us that this coal block lies on northern side of hilly ridge with drainage into Aten river flow into Hariyarpur area falling in totally different watershed. Does it mean that it is not in Bio-diversity rich Hasdeo-Arand forest region?

39. Geographical situation of an area need not *per se* define its wealth of bio-diversity. Bio-diversity can exist or can share more than one watershed. Section 2(b) of the Biological Diversity Act 2002 defines “biological diversity” as *the variability among living organisms from all sources and the ecological complexes of which they are part and includes diversity within species or between species and of eco systems*. Going by this definition and the revelations made from the map produced before us the area in question, being fringe area as described by the Ministry, can be regarded as Ecotonal area i.e. area on the edge of the forest. The term “Ecotonal” was used by famous Ecologist Mr. E.P. Odum in his treatise “Fundamentals of Ecology”.

According to him “**Ecotonal**” community contains many of the organism of each overlapping community and, in addition organism which are characteristic of and often restricted to ecotone; and often both the number of species and population density of some of the species are greater in the ecotone than in the community flanking it. Such tendency of increased variety and density at community junction is known as the *Edge Effect*. Odum further stated that these

ecotones support a community additional to those of the community which adjoin the ecotone and, therefore, unless the ecotone is very narrow, some organism which are not present in the main forest are likely to be found in the region of ecotone. If it is so protection of ecotone species is also equally important as they contribute to higher bio-diversity.

40. Working plan of South Sarguja forest lists 29 species of fish, 14 species of reptiles, 111 species of birds, 34 species of mammals [some of them from schedule I of Wildlife (Protection) Act, 1972], 51 species of medical plants, 86 species of trees, 38 species of scrubs, 19 species of herbs, 17 species of climbers, 12 species of grasses found in the entire area of South Sarguja forest. As understood universally, to define any area as a "bio-diversity rich area" it is not necessary to only have a good forest cover, rather what is more important is the species (floral and faunal) composition in the area in question and whether these species are endemic and unique and as such deserving priority for conservation. It may not be out of place to mention that to arrive at "priority" for conservation efforts one is required to understand what is the extent of distribution of similar eco-systems in the country and whether similar eco-systems are already under protection or not.

41. Interestingly, the very Minister previously entertained an opinion in response to the FACs view as regards the proposal for diversion of forest lying in neighbouring Tara Coal Block as large compact coal Block very rich in species diversity that such

important un-fragmented areas need to be protected and further enriched for posterity- vide letter dated 2nd August, 2010. From the record it is not very well understood as to what made his mind change overnight, particularly when the FAC had also not applied its mind to the material issue/questions in respect of PEKB Coal Blocks as arising before us nor any further enquiry was ordered by the Minister for making up his mind to say that the area in question was actually not in bio-diversity rich Hasedo Arand forest region.

42. Further reason adduced by the Minister for rejection of FACs recommendation is that the revised proposal envisaged two phased sequential mining in PEKB Blocks having forest quality poorer than Tara. The Minister merely quoted sequence of mining in two phases of 15 years each, firstly on 762 hectares and subsequently on 1136 hectares, with reclamation to commence from 3rd year onwards and renewal of second phase depending on the performance of reforestation and bio-diversity Management in phase-I. As a matter of precaution the Minister ought to have looked for the opinion of the specialist in the field as regards the efficacy of the effort of reforestation and bio-diversity Management including use of tools and the manner therefor as envisaged. The record reveals that neither FAC, commented on this aspect nor was there any material on which the Minister could have based his second reason for overriding the advice of the FAC.

43. The working plan of South Sarguja Forest Division reveals that there are species falling in Schedule- I of Wildlife (Protection) Act, 1972 and there have been several instances of men-elephant

conflict in Udaipur range wherein falls PEKB Coal Blocks. Though, it is revealed, the State of Chhattisgarh- the respondent no. 1 entertained an idea of declaring elephant reserve in Badalkhol Manora, North Sarguja Forest Division's Tamor Pingla and Lemru area of Korba Forest Division with effective forest corridors linking them- vide letter dated 07-11-2007 from the Principal Chief Conservator of Forest Chhattisgarh to the Conservator, of Forest Bilashpur in reference to letter dated 5th October, 2007 of MoEF- the respondent no.2, it changed its mind and as of today decided to continue the work to create elephant reserve in Badalkhol Samarsot and Tamor Pingla sanctuaries only and no other place- vide order dated 20th July, 2009 from the Secretary Chhattisgarh government to the Chief Conservator of Forest Chhattisgarh. It can also be appreciated that the Task Force of MoEF had identified 88% elephant corridors throughout India without identifying any area in South Sarguja Forest Division vide report dated 31st August, 2010 titled as "Gajah- securing the future for elephant in India". Apparently the maps produced before us depict creation of Elephants Reserves and National Park in South Sarguja Forest Division i.e. the forest bordering Jharkhand, Orissa and Madhya Pradesh, and also a 50 km arc of agricultural fields with human settlements including industrial development between such reserves and forest area. Nonetheless, the fact remains that there have been sightings and instances of men-elephant conflict in the area in question. The FAC it appears did not consider this material fact in order to conclude as to whether such conflicts could be stray

incidents or were the occurrences en-route the Elephant Corridor and what could be the mode of resolution of such conflicts. The Minister while addressing the concerns in relation to the wildlife in his order dated 23rd June, 2011 merely stated that these concerns should be taken care of through well prepared and well executed Wildlife Management Plan and programme under the aegis of an institution like Wildlife Institute of India. Thus, the Minister was aware of such important concern regarding wildlife but chose not to examine Wildlife Management Plan prepared/endorsed by the Wildlife Institute of India before the Minister. Unfortunately, there was no comment or a specialist view of the Wildlife Management Plan forthcoming from the FAC.

44. Instances of human wildlife conflict just cannot be ignored as those spring not from the encroachment of human territories by animals but *vice versa* and, therefore, have to be regarded as alarm bells in respect of the encroachments human invasion on the environment. Human wildlife conflict is critical threat to the survival of endangered species like elephants, tiger, wild buffalos, lion etc. They not only affect its pollution but have environmental impacts on eco-system equilibrium and bio-diversity. Conservation of bio-diversity is directly linked with conservation of eco-system and thus with water and food security in as much as natural process, forest and wild habitats, recharge aquifers, maintain water regimes and moderates the impact of floods, droughts and cyclones to ensure regulation of climate and the consequent food security. National planning and development has

not taken into account the adverse ecological consequences of shrinkage and degradation of wilderness from the pressures of population, industrialisation mining and commercialisation. Increased man animal conflict is the outcome of shrinkage, fragmentation and deterioration of habitat. In fact wildlife management is a crucial management issue which needs to be addressed through innovative approaches. Wildlife conservation cannot be restricted to natural parks and sanctuaries as areas outside the protected area network including fringe areas are vital in its role to provide sufficient habitat for spatial movement of the species outside protected areas and provide biological resources needed by the local communities to prevent their dependency on protected areas. Such areas are also critical to the linking of protected areas with effective wildlife corridors for providing genetic community and prevent insular wild animal's populations.

45. Keeping this in view Rule 7 sub-clause 2 of the FC rules required the FAC to have due regards to the matters namely area in question forming part of a natural reserve, national park, wildlife sanctuary, biosphere reserve or habitat of any endangered or threatened species of flora and fauna, its use for agricultural purposes or for rehabilitation of persons, compensatory afforestation while tendering its advice on the proposals for forest clearance referred to sub-rule 1 of the said rule. Reading of sub-clause 3 of rule 7 also reveals the role of FAC in suggesting

conditions or regulations on the use of any forest land which would
minimise adverse environmental impact thus the role of the FAC is

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both diagnostic and curative in the matter of tendering its advice on the proposal for forest clearance.

46. In this context the Hon'ble Apex Court in the judgement delivered in T. N. Godavarman Thirumulpad Case [T. N. Godavarman Thirumulpad versus Union of India; (2012) 3 SCC 277] made pertinent observations as follows:

"17. Environmental justice could be achieved only if we drift away from the principle of anthropocentric to ecocentric. Many of our principles like sustainable development, polluter-pays principle, intergenerational equity have their roots in anthropocentric principles. Anthropocentrism is always human interest focussed and that non-human has only instrumental value to humans. In other words, humans take precedence and human responsibilities to non-human based benefits to humans. Ecocentrism is nature-centred where humans are part of nature and non-humans have intrinsic value. In other words, human interest does not take automatic precedence and humans have obligations to non-humans independently of human interest. Ecocentrism is therefore life-centred, nature-centred where nature includes both humans and non-humans. The National Wildlife Action Plan 2002-2012 and the Centrally Sponsored Integrated Development of Wildlife Habitats Scheme, 2009 are centred on the principle of ecocentrism."

47. In the instant case the area in question of PEKB Coal Blocks is going to be virtually shaved off its forest cover for the purposes of mining in two phases of 15 year duration each and the reclamation i.e. hopefully effort towards regeneration of forest cover and restoration of bio-diversity is to start from 3rd year of its commencement. Undoubtedly, the nature has a potential to regenerate so long as this potential is not destroyed or irreversibly damaged. This vital aspect of reclamation vis-a-vis the existing flora and fauna in view of the provisions of law discussed above ought to have been relevant both for the advice tendering and

decision making apparatus. FAC was expected to examine whether the efforts towards reclamation of mined area by transplantation of trees and such other means envisaged had potential to regenerate the nature lost in mining, what was the gestation period for such regeneration, if it was to be so and whether there could be keen monitoring of such regeneration by increasing the frequency of sequential mining over more than two phases. A perusal of the Wildlife Management Plan reveals that apart from various types of surveys regarding bio-diversity elements, provisions have been made for fire protection, grazing, soil moisture conservation works, public awareness, compensation, habitat improvement and conservation measures. However, components like providing safe corridors for wildlife especially near human settlements/coal mines through modern fencing etc. as well as its needs have been over looked.

48. However, it can be seen that the FAC at the first instance failed to give due regard to these material issue/questions while tendering its advice to the Ministry and the Ministry largely overtaken by the anthropocentric reasons ignored these material and relevant ecocentric issues and proceeded to reject the FACs advice on his "understanding and belief" having no basis either in any authoritative study or experience in the relevant fields. Surprisingly, the impugned order dated 23rd June, 2011 acknowledges the existence of "fragile eco-system of the region" and yet proceeds to make exception thereto as regards the PEKB Coal

Blocks lying in the same region without any basis therefor in any study.

49. In view of the aforesaid discussion it is evident that the FAC did not examine all the relevant facts and circumstances while rendering its advice and to cap it the Minister acted arbitrarily and rejected the FACs advice for the reasons having no basis either in any authoritative study or experience in the relevant fields. In short the reasons adduced by the Minister fail to outweigh the advice rendered by the FAC. This calls for quashing of the Minister's order dated 23rd June, 2011 rejecting the FACs advice and consequential order dated 28th March, 2012 passed by the respondent no. 1- State of Chhattisgarh in order to have holistic reappraisal of the entire issue. It is therefore, just and necessary to remand back the entire case to the Minister with appropriate directions to get a fresh advice from the FAC on the material issues in the present case and to reconsider the entire matter afresh in accordance with law. The point numbers 2 and 3 are answered accordingly.

Hence, the order:

1. Order dated 23rd June, 2011 passed by the respondent no. 2- MoEF Government of India and consequential order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the Forest (Conservation) Act 1980 for diversion of forest land of PEKB Coal Blocks are set-aside;
2. The case is remanded to the MoEF with directions to seek fresh advice of the FAC within reasonable time on all aspects of the

proposal discussed herein above with emphasis on seeking answers to the following questions: (i) What type of flora and fauna in terms of bio-diversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question. (ii) is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna. (iii) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need. (iv) Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies. (v) What is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora? (vi) What is their opinion about the Wildlife Management plan finally prescribed. (vii) What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialised knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.

3. The MoEF shall pass a reasoned order in light of the advice given by the FAC in accordance with law and pass appropriate order in accordance with law.

4. All work commenced by the respondent no. 3 project proponent and respondent no. 4 pursuant to the order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section

2 of the FC Act 1980, except the work of conservation of existing flora and fauna, shall stand suspended till such further orders are passed by the MoEF in accordance with law.

5. No order as to costs.

....., CP
(Swatanter Kumar)

....., JM
(U.D. Salvi)

....., EM
(Dr. D.K. Agrawal)

....., EM
(Prof. A.R. Yousuf)

....., EM
(Dr. R. C. Trivedi)



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S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 4395 OF 2014

RAJASTHAN RAJYA VIDYUT UTP.NIGAM LTD

Appellant (s)

VERSUS

SUDIEP SHRIVASTAVA & ORS

Respondent(s)

(With appln(s) for ex-Parte stay,exemption from filing c/c of the impugned Judgment,permission to file additional documents and office report)

Date: 28/04/2014 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Appellant(s) Mr. Mukul Rohtagi, Sr. Adv.
Mr. Vikram Nankani, Adv.
Mr. Kirat Singh Nagra, Adv.
Mr. Monish Panda, Adv.
Mr. Arjun Khera, Adv.
Mr. Avneesh Arputham, Adv.
Mr. Kunal Verma, Adv.

For Respondent(s) Mr. Raj Panjwani, Sr. Adv.
Ms. K.V.Bharathi Upadhyaya, Adv.

For State of Chhattisgarh Mr. Ravindra Shrivastava, Sr. Adv.
Mr. Atul Jha, Adv.
Mr. Sandeep Jha, Adv.
Mr. Dharmendra Kumar Sinha, Adv.

For RR 4 Mr. Parag P. Tripathi, Sr. Adv.
Mr. Vikram Nankani, Adv.
Mr. Kirat Singh Nagra, Adv.
Mr. Manish Panda, Adv.
Mr. Arjun Khera, Adv.
Mr. Avneesh Arputham, Adv.
Ms. Monisha Handa, Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard learned counsel for the appelalnts.

Issue notice.

Since respondent No. 1 has already entered

appearance through counsel. No formal notice need

be issued to respondent No. 1. Let notice be issued

to the other respondents.

In the meanwhile, we stay the direction in the impugned order that all works commenced by the appellant pursuant to the order dated 28th March, 2012 passed by the State of Chhattisgarh under Section 2 of the Forest Conservation Act, 1980 shall stand suspended till further orders are passed by the Ministry of Environment and Forests.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER



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**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**Appeal No. 185/2018
(M. A. No. 1333/2018)**

IN THE MATTER OF:

Sudiep Shrivastava Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present: Appellant: Mr. Raj Panjwani, Sr. Adv. Mr. Rahul Choudhary and Mr. Rahul Choudhary, Adv.

Date and Remarks	Orders of the Tribunal
<p align="center">Item No. 02</p> <p align="center">September 17, 2018</p> <p align="center">R</p>	<p>1. Only point which has been pressed in this appeal is that the Forest Advisory Committee has not taken a decision in the matter of granting Forest Clearance for diversion of the forest area for non-forest purpose. The reason given is only that the matter is pending before the Hon'ble Supreme Court.</p> <p>2. Vide order dated 28.04.2014 in <i>Civil Appeal No(s). 4395 of 2014</i> titled as "<i>Rajasthan Rajya Vidyut Utp. Nigam Ltd. Versus Sudiep Shrivastava & Ors.</i>", following interim order was granted by the Hon'ble Supreme Court:</p> <p align="center"><i>"In the meanwhile, we stay the direction in the impugned order that all works commenced by the appellant pursuant to the order dated 28th March, 2012 passed by the State of Chhattisgarh under Section 2 of the Forest Conservation Act, 1980 shall stand suspended till further orders are passed by the Ministry of environment and Forests."</i></p> <p>3. Thus, the stay granted is only with regard to the continuation of the work already commenced. There is no bar for the Forest Advisory Committee to take a decision in the matter. However, since the matter is pending before the Hon'ble Supreme Court, we do not consider appropriate to pass any further order in the matter.</p> <p>3. List after the decision of the Hon'ble Supreme Court</p>

	Item No. 2 September 18, 2018 R	in <i>Civil Appeal No(s). 4395 of 2014</i> . Adjourned sine die. , CP (Adarsh Kumar Goel) ,JM (S.P. Wangdi) ,EM (Dr. Nagin Nanda) 17.09.2018
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Item Nos. 01 & 02

Court No. 1

**NATIONAL GREEN TRIBUNAL, CENTRAL BENCH
SUCHANA BHAWAN, IIIRD FLOOR, ARERA HILLS**

(By Hybrid Mode)

Appeal No. 12/2019(CZ)
(I.A. No. 69/2019 & I.A. No. 99/2020)

Sudiep Shrivastava

Appellant

Versus

Union of India & Ors.

Respondent(s)

WITH

Appeal No. 16/2019(CZ)
(I.A. No. 82/2019, I.A. No. 96/2019 & I.A. No. 15/2021)

Hasdeo Aranya Bachao Sangharsh Samiti

Appellant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 19.12.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Appellant(s): Mr. Saurabh Sharma, Advocate for Appellant

Respondent: Mr. Atmaram N.S. Nadkarni, Senior Advocate with Mr. Kunal Verma & Ms. Yugandhara Pawar Jha, Advocates for Rajasthan Rajya Vidyut Utpadan Nigam Limited (PP)

ORDER

1. This common order will deal Appeal Nos. 12 and 16/2019(CZ) which have been preferred against same EC dated 12.07.2019 for Parsa Opencast Coal Mining Project of 5 MTPA and Pit Head Coal Washery of 5 MTPA of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited in an area

of 1252.447 ha at Hasdeo-Arand Coalfields in Districts Surguja and Surajpur (Chhattisgarh).

2. The impugned EC shows that it has been granted on recommendation of the EAC dated 21.02.2019, considering benefits of the project which include power generation, improvement of physical and social infrastructure, boosting of local economy. CSR activities for Rural Infrastructure development, Health & Sanitation, Education, Skill and entrepreneurship development, livelihood Development & farmers productivity. EC is subject to conditions with regard to compliance of environmental norms and taking mitigation measures.

3. Minutes of EAC dated 21.02.2019 for appraisal of the project are as follows:-

“Parsa Opencast Coal Mining Project of 5 MTPA and Pit Head Coal Washery of 5 MTPA of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited in an area of 1252.447 ha located at Hasdeo Arand Coalfields in Districts Surguja and Surajpur (Chhattisgarh)- For Environmental Clearance

43.4.3 *The proposal was earlier considered by the EAC in its 26th meeting held on 15-16 February, 2018, wherein the Committee after deliberations and taking cognizance of the concerns raised during public hearing, desired for certain clarifications and details in respect of the following:-*

(i) *The response of the project proponent **‘MoEF&CC will grant Environment Clearance to the project only after thorough scrutiny of EIA/EMP Report through Expert appraisal Committee’** to the queries raised during public hearing regarding authenticity of data and facts mentioned in the EIA/EMP reports, was not acceptable. The Committee asked for an undertaking in this regard to be furnished by the project proponent.*

(ii) *Comments from the State Tribal Welfare Department regarding permission for the project from Gram Sabha, impact on livelihood of tribal population, and their concurrence as per the provisions of the Panchayats Extension to Scheduled Areas Act, 1996 (PESA Act) as applicable in the instant case.*

(iii) *The State Water Resources/Irrigation Department of the State Government to assess the cumulative impact of diversion of streams, and existing and proposed mining operations on Hasdeo River.*

(iv) Opinion of the State Wild Life Board regarding impact of existing and proposed mining operations on elephant movement and other wild life species needs to be sought, in view of part of the area proposed for Lemru Elephant Reserve.

43.4.4 The proposal was again considered by the EAC in its 341^h meeting held on 24th July, 2018, wherein committee insisted for compliance of its earlier observations.

During the meeting held on 27th September, 2018, the committee noted the submission of the project proponent in response to its earlier observations. The same are reproduced as under:-

Sr. No.	Observations of the EAC	Status of compliance by the PP
1.	Comments from the State Tribal Welfare Department regarding permission for the project from Gram Sabha, impact on livelihood of tribal population, and their concurrence as per the provisions of the Panchayats Extension to Scheduled Areas Act, 1996 (PESA Act) as applicable in the instant case.	RVUNL vide its letter dated 6 th April 2018 requested State Tribal Welfare Department to provide its comment and the State Tribal Welfare Department, in turn, vide their letter dated 18 th May 2018 sought comments from the Collector, District Surguja & Surajpur on the observation of the EAC. The District Collector (DC) Surguja & Surguja vide their letters dated 28 th May 2018 and 1 st June 2018 respectively replied to State Tribal Welfare Department. Subsequently, State Tribal Welfare Department has forwarded the same to MoEF&CC vide its letter dated 7 th June 2018.
2.	The State Water Resources/Irrigation Department of the State Government to assess the cumulative impact of diversion of streams, and existing and proposed mining operations on Hasdeo river.	It is informed that Water Resource Department, Government of Chhattisgarh stated in its report that "It can be concluded that there will be no cumulative adverse impact of Nala diversion and existing & proposed coal mining operation on Hasdeo River. " NOC of proposed Nala diversion has been issued vide its letter no. 4708/F-7/25/31/S-2/2018 dated 6 th August 2018.
3.	Opinion of the State Wild Life Board regarding impact of existing and proposed mining operations on elephant movement and other wild life species needs to be sought, in view of part of the area proposed for Lemru Elephant Reserve.	RVUNL vide its letter dated 1 st May 2018 requested PCCF (Wildlife), State Wildlife Department to provide comments on the above query raised by EAC. The PCCF (Wildlife), State Wildlife Department in its letter dated 18 th May 2018 to MoEF&CC informed following to MoEF&CC- (i) As per records of forest Department, Mining Lease Area of Parsa Opencast Coal Mine Project of 5 MTPA and Pit Head Coal Washery of 5 MTPA of M/s. Rajasthan Rajya

		<p>Vidyut Utpadan Nigam Limited in Districts Surguja & Surajpur (Chhattisgarh) does not fall in any notified protected area including national parks, wildlife sanctuaries, animal/elephant corridors etc. Proposed Project area also does not fall in 10 Km radius of an such protected area.</p> <p>(ii) State Government vide letter No. F-5-6/10-2/2009 dated 20th July 2009 rejected the proposal of Lemru Elephant Reserve. So, Lemru Elephant Reserve does not exist.</p> <p>(iii) It was also decided that wildlife conservation and management has to be carried out by improving habitat of the existing national park and sanctuaries rather than creating new elephant reserve, national park and sanctuary.</p> <p>(iv) As per records of local forest officials as well as study undertaken for Wildlife Conservation Plan for Parsa Opencast Coal Mine Project of 5 MTPA and Pit Head Coal Washery of 5 MTPA, this area is not a regular habitat/corridor of elephants. Although occasional visits of stray elephants have been reported in the area resulting into human-wildlife conflict and property damages.</p> <p>(v) Keeping that in mind, an elaborate Wildlife Management Plan with an estimated cost of Rs. 12.16 Crs, has prepared by Mr. Ashok Masih (Retd Addl PCCF), Member of "Society for Social Services, Madhya Bharat Chapter, Bhilai" to mitigate the impact of project, if any. Effective mitigation measures have been taken particularly with reference to elephant movement and protection. Wildlife Management Plan has also been approved by CWLW, Chhattisgarh vide letter dated 8th June, 2017.</p> <p>(vi) In Wildlife Management Plan provisions to reduce human-animal conflict, solar fencing, public awareness, establishment of Elephant Control Room at divisional</p>
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		<p>level, Elephant Protection Team at range level and Elephant Friend Group (Hathi Mitra Samooh) at concerned village level has been made.</p> <p><i>It is further mentioned by the PCCF (Wildlife) that that Government of Chhattisgarh, after examining all the aspects of forest & wildlife, recommended forest proposal of 841.538 ha forest land for the Parsa Coal Block for diversion of forest land to MoEF&CC vide its letter dated 02nd May 2018.</i></p>
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The Committee, after deliberations and in view of recommendations of the Forest Advisory Committee (FAC), desired for inputs in respect of following:-

- Comprehensive study on conservation of biodiversity and wildlife conducted by the ICFRE.
- Opinion of Ministry of Law & Justice/ASG on applicability of the approval accorded by the then Hon'ble MoEF&CC vide order dated 23rd June, 2011 for prospecting in the said coal block/other coal blocks in Hasdeo Arand forest area pending final disposal of the matter in the Apex court.
- Success of reclamation works in the adjoining coal blocks (Tara & PEKB).

S. No.	Observations	Comments/Compliance
1	Comprehensive study on conservation of biodiversity and wildlife conducted by the ICFRE	<ul style="list-style-type: none"> • Proposal for the study has been submitted by ICFRE to State Government. • RVUNL, vide its letter dated 10th August, 2018 has deposited an amount of Rs. 1,74,68,250/- i.e. 75% of Rs. 232.91 Lakhs based on the demand of DFO, Surguja for the study. • Subsequently, Govt. of Chhattisgarh vide its letter dated 29th January, 2019 has issued work order to ICFRE for aforementioned study. • Scope is for preparation of Integrated Wildlife Management Plan (IWMP), identification of conservation area and the expert committee of ICFRE will recommend mitigations measures. • Study will be completed within 18 months from the date of issuance of work order.
2	Opinion of Ministry of Law & Justice/ASG on applicability of the approval accorded by the then Hon'ble	<ul style="list-style-type: none"> • <i>Proposal of Forest Clearance for Parsa Coal Block was considered in FAC meeting held on 19th December, 2018 after receipt of expert legal opinion from</i>

	<p>MoEF&CC vide order dated 23rd June, 2011 for prospecting in the said coal block/other coal blocks in Hasdeo Arand forest area pending final disposal of the matter in the Apex court</p>	<p>ASG.</p> <ul style="list-style-type: none"> FAC noted that Additional Solicitor General of India (ASG) has tendered his opinion, that there is no legal restriction for FAC to consider the instant proposal. ASG opined that, <p>"I am, therefore, of the opinion that there is no bar for the FAC to consider the proposal for in-principle approval and the pending case before the Supreme Court has no bearing with the Parsa Coal Block' as such. However, it must be clarified that the FAC is competent and not restricted in any manner to take any decision in regard to the proposed conversion of land on any scientific or environmental concern which it may have.</p>
3	<p>Success of reclamation works in the adjoining coal blocks (Tara & PEKB)</p>	<p>FAC in its meeting dated 19th December, 2018 formed the following sub-committee to make a site inspection, examine the relevant issues and submit its report so that the matter can be placed before FAC again for final decision –</p> <ul style="list-style-type: none"> Shri Kanwaljeet Singh, APCCF, RO, MoEF&CC, Nagpur Shri S.S. Bajaj, Nodal Officer (FCA), Govt. of Chhattisgarh Shri Deepak Mohanty, Member, FAC <p>The sub-committee carried out the site visit on 8th January, 2019, except Shri. S S Bajaj, Nodal Officer, could not accompany the subcommittee</p> <p>Findings of sub-committee regarding success of reclamation works in the adjoining coal blocks-the view/findings are</p> <ul style="list-style-type: none"> Though the mining operations in the Parsa East and Kante Basen coal block started in February, 2013 and are still going on, no mining operations have started in the Tara coal block, which is still intact. More than five year have elapsed since the Hon'ble Minister has noted his observations on 23rd June, 2011 In the Parsa East and Kante Based

		<p>Open cast mine project the back filling and reclamation works have started from the year 2013-14 onwards and so far an area of approximately 161 ha has been back filled and 121.77 ha been treated with plantation and biological reclamation.</p> <ul style="list-style-type: none"> • It pointed out that so far an area of 537.24 ha has already been broken up and sequential mining and reclamation is also going on and so far 161.63 ha has been back-filled, 79.70 ha physically reclaimed and 50.2 ha of internal dumps 43.62 ha of external dumps and 21.96 ha of other area have been reclaimed through plantation /biological reclamation. • Subsequent reclamation/plantations work is appreciable. • Accordingly, Stage 1 Forest Clearance has been issued by MoEF&CC vide its letter F. No. 8-36/2018-FC dated 13th February, 2019.
4.	<p>The Committee also insisted for compliance of its recommendations in respect of opinion of the State Wildlife Board on impact of existing and proposed mining operations on elephant movement and other Wild life species needs to be sought, in view of part of the area Proposed Elephant Reserve.</p>	<ul style="list-style-type: none"> • PCCF (Wildlife), State Wildlife Department in its letter dated 18th May 2018 to MoEF&CC informed following to MoEF&CC. • As per records of forest Department, Mining Lease Area of Parsa Opencast Coal Mine Project of 5 MTPA and Pit Head Coal Washery of 5 MTPA of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited in Districts Surguja & Surajpur (Chhattisgarh) does not fall in any notified protected area including national parks, animal/elephant Project area also does not fall in 10 Km radius of any such protected area. • State Government vide letter No. F-5-6/10-2/2009 dated 20th July 2009 rejected the proposal of Lemru Elephant Reserve. So, Lemru Elephant Reserve does not exist. • It was also decided that wildlife conservation and management has to be carried out by improving habitat of the existing national park and sanctuaries rather than creating new elephant reserve, national park and sanctuary. • As per records of local forest officials as well as study undertaken for Wildlife Conservation Plan for Parsa Opencast Coal Mine Project of 5

	<p>MTPA and Pit Head Coal Washery of 5 MTPA, this area is not a regular habitat/corridor of elephants. Although occasional visits of stray elephants have been reported in the area resulting into human-wildlife conflict and property damages.</p> <ul style="list-style-type: none"> • Keeping that in mind, an elaborate Wildlife Management Plan with an estimated cost of Rs. 12.16 Crs. has been prepared by Mr. Ashok Masih, (Retd. APCCF) Member of "Society for Social Services, Madhya Bharat Chapter, Bhilai" to mitigate the impact of project, if any. Effective mitigation measures have been taken particularly with reference to elephant movement and protection. Wildlife Management Plan has also been approved by CWLW, Chhattisgarh vide letter dated 8 June, 2017. • In Wildlife Management Plan, provisions to reduce human-animal conflict, solar fencing public awareness, establishment of Elephant Control Room at divisional level, Elephant Protection Team at range level and Elephant Friend Group (Hathi Mitra Samooh) at concerned village level has been made.
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43.4.6 During deliberations on the proposal, the Committee noted the following:-

The proposal is for environmental clearance to Parsa Opencast Coal Mining Project of 5 MTPA and Pit Head Coal Washery of 5 MTPA of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited in an area of 1252.447 ha located in Hasdeo-Arand Coalfields in Districts Surguja & Surajpur (Chhattisgarh).

Out of the total project area, forest land involved is 841.538 ha. For diversion of the said forest land to non-forestry purposes, stage-I forest clearance has been granted by the Ministry vide letter dated 13th February, 2019.

TOR for the project was granted on 23rd March, 2015. Public hearing was conducted by the State Pollution Control Board on 29th October, 2017 in District Surguja and 12th November, 2017 in District Surajpur. Main issues raised during public hearing included permission required from Gram Sabha, loss of agriculture and farmers affecting livelihood, impact on ground water availability, pollution concerns, cumulative impact of nearby/adjoining mining projects, diversion of nallah, etc. The project proponent has submitted the action plan along with the timelines and junding

management to address the issues, suggestions and the representations received during public consultations.

Mining Plan, including the Progressive Mine Closure Plan, has been approved by the Ministry of Coal vide their letter dated 10th November, 2016.

Baseline air quality values at ambient air quality monitoring stations, would be in the range of 20-32.30 ug/m³ for PM_{2.5}, 31 80-61.50 ug/m³ for PM₁₀, SO₂ from 8.70 -13.70 ug/m³ and NOx from 10.20-16.80 ug/ m³, and thus meeting the prescribed standards.

Detailed comments/inputs and the action plan submitted by the project proponent in response to its observations during the last meeting held on 27th September, 2018, as stated in para 43.4.5, were found to be in order. However, the same requires monitoring at regular intervals for effective implementation of the action plan and/or the commitments made by the project proponent.

43.4.7 The EAC, after detailed deliberations, recommended for environmental clearance to Parsa Opencast Coal Mining Project of 5 MTPA and Pit Head Coal Washery of 5 MTPA of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited in an area of 1252.447 ha located in Hasdeo- Arand Coalfields in Districts Surguja & Surajpur (Chhattisgarh), subject to the orders of Hon'ble Supreme Court in Civil Appeal No.4395/2014 in the matter of Rajasthan Rajya Vidyut Utpadan Nigam Limited Vs Sudiep Shrivastava and other matters pending in Hon'ble Supreme Court or Hon'ble High Court of Chhattisgarh, and the specific conditions as below:-

The Committee shall monitor onsite implementation of the observations of the Water Resources Department of the State Government regarding nallah diversion, and also deliberate on the suggestions/comments of Tribal Welfare Department regarding applicability of PESA.

- The EAC shall also review the implementation of Wildlife Management Plan approved by Chief Wildlife Warden, Government of Chhattisgarh, and the study conducted by ICFRE on conservation of bio-diversity and wildlife as committed by the project proponent.
- All terms and conditions stipulated in the stage-1 forest clearance dated 13th February, 2019 for diversion of 841.538 ha of forest land, shall be strictly complied with.
- All the public representations received in the Ministry raising environmental concerns, shall be suitably addressed by the project proponent, followed by their confirmation/endorsement by the State Government/SPCB.
- Action plan submitted by the project proponent along with the timelines and funding management to address the issues, suggestions and representations received during public consultations, shall be strictly adhered to.

The grant of environmental clearance shall be further subject to adherence to environmental safeguards as under:-

- (i) The project proponent shall obtain Consent to establish from the State Pollution Control Board for the Coal Mining project of 5 MTPA and the Coal Washery of 5 MTPA prior to commencement of works.*
- (ii) To control the production of dust at source, the crusher and in-pit belt conveyors shall be provided with mist type sprinklers.*
- (iii) Mitigating measures shall be undertaken to control dust and other fugitive emissions all along the roads by providing sufficient water sprinklers. Adequate corrective measures shall be undertaken to control dust emissions, which would include mechanized sweeping, water sprinkling/mist spraying on haul roads and loading sites, long range misting/fogging arrangement, wind barrier wall and vertical greenery system, green belt, dust suppression arrangement at railway siding, etc.*
- (iv) Continuous monitoring of occupational safety and other health hazards, and the corrective actions need to be ensured.*
- (v) Persons of nearby villages shall be given training on livelihood and skill development to make them employable.*
- (vi) To ensure health and welfare of nearby villages, regular medical camps shall be organized at least once in six months.*
- (vii) A third party assessment of EC compliance shall be undertaken once in three years through agency like ICFRI /NEERI/IIT or any other expert agency identified by the Ministry.*
- (viii) Permission for ground water withdrawal shall be obtained from Central Ground Water Authority (COWA), if applicable. Total fresh water requirement shall not exceed 2385 cum/day, proposed to be met from mine sump water or from Right Bank Canal of Hasdeo Barrage.*
- (ix) Study shall be carried for sustenance of water supply to cater to projected demand of the proposed washery from the abandoned mine(s) throughout planned life of the washery.*
- (x) Impact of proposed project/activity on hydrological regime of the area shall be assessed and report be submitted.*
- (xi) Ash content below 34% should be maintained in washed coal to be transported beyond 500 km for use in thermal power plants.*
- (xii) The washing technology so chosen should conform to 'Zero Liquid Discharge'.*

- (xiii) *More locations (4-5 nos) to be identified in downwind areas in the buffer zone for ambient air quality monitoring in consultation with the State Pollution Control Board.*
- (xiv) *Disposal of washery rejects shall be in accordance with the extant policy and guidelines, and environment friendly.*
- (xv) *Thick green belt of adequate width to be provided around the washery to mitigate/check the dust pollution. A 3-tier avenue plantation should also be developed along vacant areas, storage yards, loading/transfer points, and also along internal roads/main approach roads."*

4. From the above, it is seen that FC for diversion of forest land for non-forest purpose stands granted on 13.02.2019 which is not under challenge.

5. The grounds for challenging the EC *inter-alia* are that the NGT in *Appeal No. 73/2012* has quashed Forest Clearance in respect of Parsa Coal Block (against which appeal is pending before the Hon'ble Supreme court, as noted in the impugned EC), no forest clearance has been granted, no further study has been carried out in pursuance of order of this Tribunal in *Appeal No. 73/2012*. No EC could have been granted when study was still pending with ICFRE, public hearing is not proper, data has been concealed and it is wrongly assumed that there is no issue of Elephant Corridor with regard to Parsa Coal Block.

6. Reply has been filed by the PP to the application for condonation of delay.

7. We have heard learned Counsel for the appellant and the PP. Learned counsel for the appellant reiterated the grounds for challenging the EC as raised in the memo of appeal.

8. Learned Counsel for the PP has submitted that Forest Clearance has been subsequently granted and the earlier EC having attained finality, revalidation/amendment letters dated 25.06.2015 and

29.12.2015 having not been challenged and EC for expansion having been granted after following due process, there is no scope of interference by this Tribunal. There is no merit in the contention that EC dated 21.12.2011 is nullity when challenge against the said order has already attained finality in view of order of this Tribunal dated 25.09.2014 in *Appeal No. 33/2013* which has admittedly been affirmed in further appeal by Hon'ble Supreme Court.

9. On due consideration, while we condone delay in filing the appeal, we do not find any merit on merits. Main ground against the EC is quashing of forest clearance by the Tribunal earlier which stands stayed by the Hon'ble Supreme Court. Due process has been followed. No damage to environment is shown. Thus, we are inclined to dismiss the appeals. However, learned counsel for the appellants submitted that IA has been filed by the appellants in proceedings pending before the Hon'ble Supreme Court in *Civil Appeal No. 4395/2014, Rajasthan Rajya Vidyut Utp. Nigam Ltd. vs. Sudiep Shrivastava & Ors.* It is submitted that order of this Tribunal should not prejudice remedy of the appellant in the said IA.

10. Accordingly, these Appeals are dismissed without prejudice to the remedies of the parties in pending proceedings before the Hon'ble Supreme Court.

All pending IAs will also stand disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

December 19, 2022
Appeal No. 12/2019(CZ) &
Appeal No. 16/2019(CZ)
SN

Prof. A. Senthil Vel, EM

A handwritten signature in blue ink, appearing to read 'A. Senthil Vel', is centered on the page. The signature is written in a cursive style with a horizontal line underneath.

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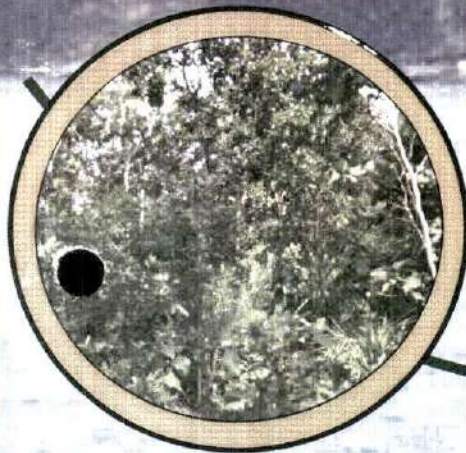
Biodiversity study in the entire Hasdeo-Arand Coalfield comprising of Tara, Parsa, Parsa East & Kanta Basan and Kente Extension coal blocks in Chhattisgarh



Chhattisgarh Forest Department

For

State Forest Department
Government of
Chhattisgarh



By



Indian Council of Forestry Research and Education (ICFRE) Dehradun

In association with



भारतीय वन्यजीव संस्थान
Wildlife Institute of India

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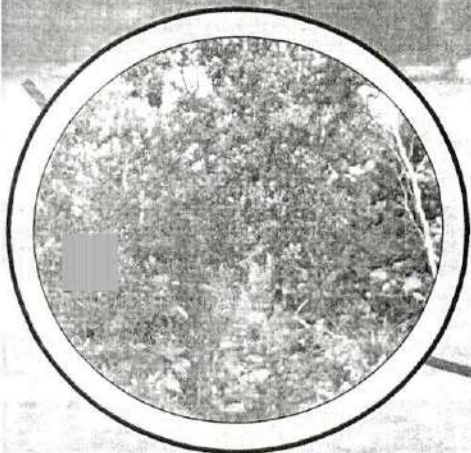
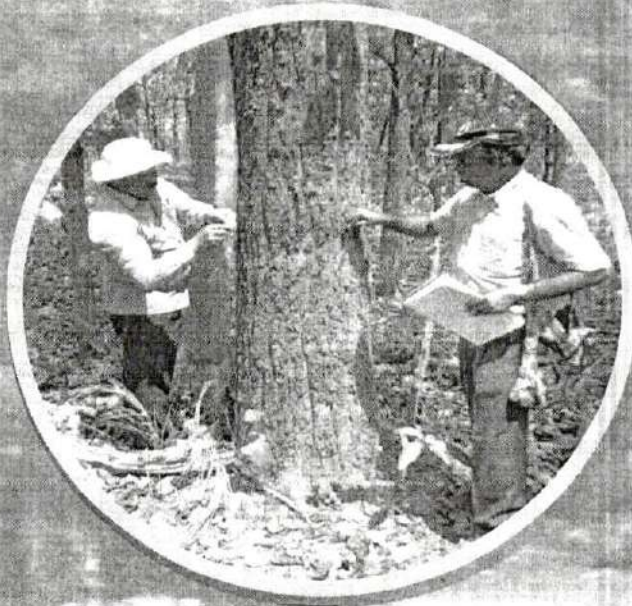
Biodiversity study in the entire Hasdeo-Arand Coalfield comprising of Tara, Parsa, Parsa East & Kanta Basan and Kente Extension coal blocks in Chhattisgarh



Chhattisgarh Forest Department

For

State Forest Department
Government of
Chhattisgarh



By



**Indian Council of Forestry Research and Education
(ICFRE) Dehradun**

In association with



विल्डलाइफ इन्स्टीट्यूट ऑफ इंडिया
Wildlife Institute of India

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EXECUTIVE SUMMARY

ES 1. BACKGROUND

The Government of Chhattisgarh *vide* letter dated 28.04.2010 submitted a proposal seeking Forest Clearance (FC) under the Forest (Conservation) Act, 1980 for diversion of 1898.328 ha of forest land under Surguja forest division for a captive coal block i.e., Parsa East & Kanta Basan (PEKB) allotted to M/s. Rajasthan Rajya Vidyut Utpadan Nigam Limited (RVUNL). The Forest Advisory Committee (FAC) considered the proposal during the meeting held on 10.03.2011 and a sub-Committee was constituted with a direction for a field visit to PEKB and submit the report. The sub-committee report was considered during the FAC meeting held on 20.06.2011 & 21.06.2011 and did not recommend for diversion of forest land; however, based on the order of the then Hon'ble Minister of State for Environment & Forests *vide* dated 23.06.2011, permission has been granted for Stage-I Forest Clearance under FC Act *vide* F.No.8-31/201-FC dated 06.07.2011 for **diversion of 1898.328 ha forest land for mining in two phases (Phase-I & II)**. Further, the final Forest Clearance stage-II has been granted by the Ministry *vide* letter No. F 5-4/2010/10-2 dated 28.03.2012. Aggrieved by the stage-II Forest Clearance granted under section 2(ii) of FC Act by the Ministry to RVUNL, Sudiep Shrivastava appellant filed an appeal (No. 73 of 2012) before the National Green Tribunal (NGT) Principal Bench Delhi. The NGT pronounced its judgement on 24.03.2014 and remanded the MoEF&CC with direction to seek advice of the FAC within reasonable time and emphasised for answer to the following questions:

1. *What type of flora and fauna in terms of biodiversity and forest cover existed as on the date of the proposal in PEKB coal blocks*
2. *Is /was the PEKB coal block habitat to endemic or endangered species of flora and fauna*
3. *Whether the migratory route /corridor of any wild animal particularly elephant passes through the area*
4. *Whether the area of PEKB block has that significant conservation /protection value so much so that the area cannot be compromised for coal mining with appropriate conservation /management strategies*
5. *What is their opinion about opening the PEKB coal block for mining as per sequential mining and reclamation methods proposed for regeneration of the flora.*
6. *What is their opinion about the Wildlife Management plan finally prescribed?*
7. *What conditions and restriction do they propose on the mining in question, if they favour such mining?*

Subsequently, the NGT directed the FAC, MoEF&CC to seek advice/ opinion/ specialised knowledge from authoritative sources such as Indian Council of Forestry Research and Education (ICFRE) or Wildlife Institute of India (WII).

Aggrieved by the NGT order, M/s. RVUNL approached the Hon'ble Supreme Court and filed Civil Appeal No. 4395 of 2014 and the Supreme Court has stayed the order of the NGT to the extent that all works commenced by the respondent/ project proponent and the Chhattisgarh State under section 2 of the FC Act, 1980, except the work of conservation of existing flora and fauna, shall stand suspended till further order passed by MoEF&CC in accordance with law for Parsa East & Kanta Basan (PEKB) coal block.

The FAC meeting held on 30.8.2017 directed the Regional Office, MoEF&CC to inspect the PEKB coal block and adjoining area sought for prospecting, in which the user agency is mining in line with the NGT and Hon'ble Supreme Court order (Appeal No 4395 of 2014). Subsequently, the FAC after thorough deliberations and discussion during the meeting held on 26.10.2017 with the user agency, the Nodal officer of the Chhattisgarh State Government and the Regional Office, MoEF&CC Nagpur, recommended in-principal approval for prospecting of coal in Kente Extension Coal Block (KECB) forest area over 1745.883 ha under the section of FC Act 1980 with general and specific conditions that include a biodiversity assessment study to be conducted by the State government through Indian Council of Forestry Research and Education (ICFRE), Dehradun in consultation with Wildlife Institute (WII) for the whole Hasdeo-Arand Coalfield comprising of Tara, Parsa, Parsa East, Kente *vide* F. No 8-46/2017-FC dated 19.12.2017.

Accordingly, the Additional Principal Chief Conservator of Forests (APCCF) (Land Management) and Nodal Officer, Forest Conservation (FC), State Forest Department, Government of Chhattisgarh, Raipur approached the ICFRE *vide* letter क्र./भू-प्रबंध/खनिज/331-228/15 dated 02.01.2018 and *e-mail* dated 03.01.2018 for conducting the above said study in the whole Hasdeo-Arand Coalfield (HAC) comprising of 23 coal blocks that include Tara, Parsa, Parsa East & Kanta Basan and Kente Extension coal blocks. The ICFRE approached WII, Dehradun *vide* letter No. 1-23/2006-ADG(EM) EOI/ICFRE-Vol-II dated 23.01.2018 for a proposal to undertake the studies as directed by the NGT and MoEF&CC. The Dean, Faculty of Wildlife Sciences, WII, Dehradun *vide* letter No. WII/ESM/BP/Chhattisgarh Assessment dated 20.04.2018 submitted the proposal and revised proposal *vide e-mail* dated 07.07.2018. Subsequently, ICFRE submitted the consolidated proposal to APCCF (Land Management) and Nodal Officer, Forest Conservation (FC), Chhattisgarh *vide* letter No.14/1-23/2006-ADG (EM).EOI/ICFRE- Vol-II dated 12.07.2018. Based on the approved Terms of Reference, the Government of Chhattisgarh awarded the study to the ICFRE Dehradun *vide* letter क्र./भू-प्रबंध/खनिज/331-228/374 dated 29.01.2019 and released the first instalment *vide* letter क्र./भू-प्रबंध/खनिज/331-228/890 dated 05.04.2019 for commencement of the study.

ES 2. SCOPE OF THE STUDY

The scope of the study is to assess the floral and faunal biodiversity of the entire Hasdeo-Arand Coalfield (1879.6 sq.km) comprising of 23 coal blocks that include Tara, Parsa, Parsa East & Kanta Basan (PEKB) and Kente Extension (as on the study period 2019-2020) to identify the potential impacts of mining on flora and fauna, to prepare outline for Biodiversity conservation and management plan; to suggest conservation area and mitigation measures for management of the impacts arising out of mining on forest land.

ES 2.1 Objective

1. To conduct comprehensive survey for primary baseline data collection on flora and fauna *viz.*, terrestrial/ wildlife/ avian/ aquatic with special reference to endemic/threatened species, habitat description and ecology. Also, to collect information from secondary sources on:
 - Avifauna studies to assess the likely impacts due to mining activities and to suggest measure for maintaining alternate habitats/home for avifauna including design of artificially made eco-friendly nests.
 - Provide details of Forest cover, migratory routes/corridor of wild animals particularly for elephant within the study area, if any;
 - Assess the socio-economic *vis-a-vis* biodiversity values of the study area.
2. Assess the potential impacts due to on-going and proposed mining and allied activities on biodiversity and suggested mitigation measures to protect/conservate biodiversity.
3. Delineate conservation area.
4. Prepare outline for Integrated Biodiversity and Wildlife Management Plan for wildlife with budgetary provision.
5. Study the efficacy of the mine closure plan, transplanted trees, conservation measure and regeneration proposed in the operational (as envisaged in EC/FC and NGT compliance) / upcoming coal blocks and recommendations, if any.
6. Suggest and highlight measures for conservation of important resources to avoid perceived impacts; and to recommend modifications (if feasible & practical) in specific project activities/ components/ technologies for conservation of the resources.

ES 3. STUDY PERIOD

The study period was eighteen months that include twelve months for three season comprehensive data collection and six months for report writing. The field survey was initiated during May 2019 and the final data collection along with residual data for floral, aquatic diversity; efficacy of mine closure plan & tree translocation and terrestrial faunal aspects including the camera trap was scheduled to be completed in April 2020. However, due to COVID -19 pandemic and country wide lockdown the field visit could not be conducted as scheduled and the same was intimated to the

APCCF (Land Management) and Nodal Officer, Forest Conservation (FC), State Forest Department, Government of Chhattisgarh, Raipur *vide* letter F.No.1-98/2019-ADG(EM)/BAS/RVUNL/Surguja-CH/ICFRE dated 28.08.2020 for rescheduling the field work once the lockdown is over. Subsequently, ICFRE received the reply *vide* letter No. क्र./भू-प्रबंध/खनिज/331-228/1924 dated 28.10.2020 emphasising the importance of comprehensive and complete baseline data. Also, ICFRE intimated the progress of the study to MoEF&CC, GoI *vide* letter No. 1-98/2019-ADG(EM)BAS/RVUNL/Surguja-CH/ICFRE dated 02.09.2020 in response to their letter No. F.No.8-3G/2018FC dated 30.08.2020. The survey was resumed in the month of October 2020 and continued upto February 2021.

ES 4. STUDY AREA

The study area is the whole/entire Hasdeo-Arand Coalfield (HAC) comprising of 23 coal blocks that include coal blocks such as Tara, Parsa, Parsa East & Kanta Basan (PEKB) and Kente Extension (CMPDI, 2012). The area lies between 22°56'37.397" and 22°24'18.359" N latitudes and 82°22'41.579" to 83°8'53.875" E longitudes. The HAC fall partly in Udaipur tehsil of Surguja district; Premnagar tehsil of Surajpur district; and Poudi Uproda and Korba tehsils of Korba district in Chhattisgarh State. The area under forest in HAC falls in Udaipur, Laxmanpur and Mainpat Forest Ranges of South Surguja Forest Division; Lemru, Balco, Korba, Kudmora, Pasarkhet Forest Ranges of Korba Forest Division; Kendai, Atmanagar Forest Ranges of Katghora Forest Division and Ramanujganj nagar Forest Range of Surajpur Forest Division (Figure ES.1).

ES 4.1 Hasdeo-Arand Coalfield and the Coal Mine Blocks

The area under Hasdeo-Arand Coalfield comprises of 1879.6 sq.km and a total of twenty three (23) coal blocks (Based on the CMPDI information published in their website <https://www.cmpdi.co.in/OCBIS/dashboard.php> & shape files provided by Rajasthan Rajya Vidhyut Utpadan Limited) including the coal blocks such as Tara, Parsa, Parsa East & Kanta Basan and Kente extension were considered for the study (Table ES.1 & Figure ES.1). These coal blocks were considered for the study in consultation with the State Nodal officer, Chhattisgarh. Out of 23 coal blocks, Parogia, Sarma, Laxmangarh and Kedma are only regionally promotionally explored block (CMPDI, 2021). Two blocks *i.e.*, PEKB (block No.14) and Chotia (block 2A) are in operation. The remaining two blocks *i.e.*, Parsa (13) and Kente Extension (12) are in the process of obtaining necessary clearance. Detailed information on exploration, mining and mine closure activities envisaged are available for only 04 blocks. However, 05 blocks such as Tara, Madanpur (North), Madanpur (South), Paturia and Gidmuri have only geological, mining and mine closure proposals available. And, very limited information is available for 5 coal blocks such as Morga-II, Morga-III, Morga-IV, Morga South & Saidu and no information is available for remaining nine coal blocks (Putra Parogia, Parogia, Pindraki, Sarma, Laxmangarh, Bhakurma-Matringa, Kedma, Morga-I and Nakiya).

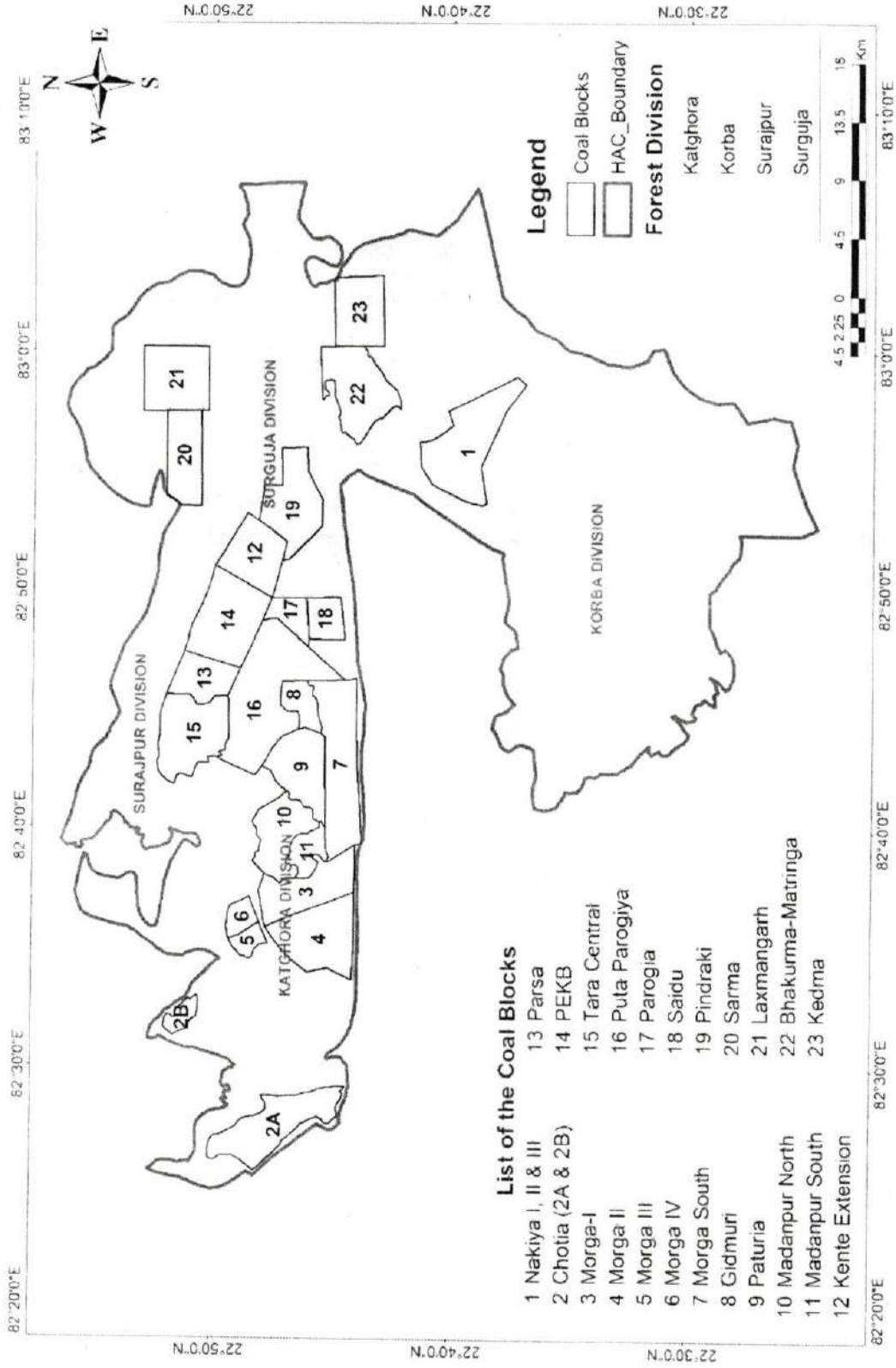


Figure ES.1: Map showing coal blocks in the entire Hasdeo-Arand Coalfield area that falls within Surguja, Surajpur and Korba Districts, Chhattisgarh

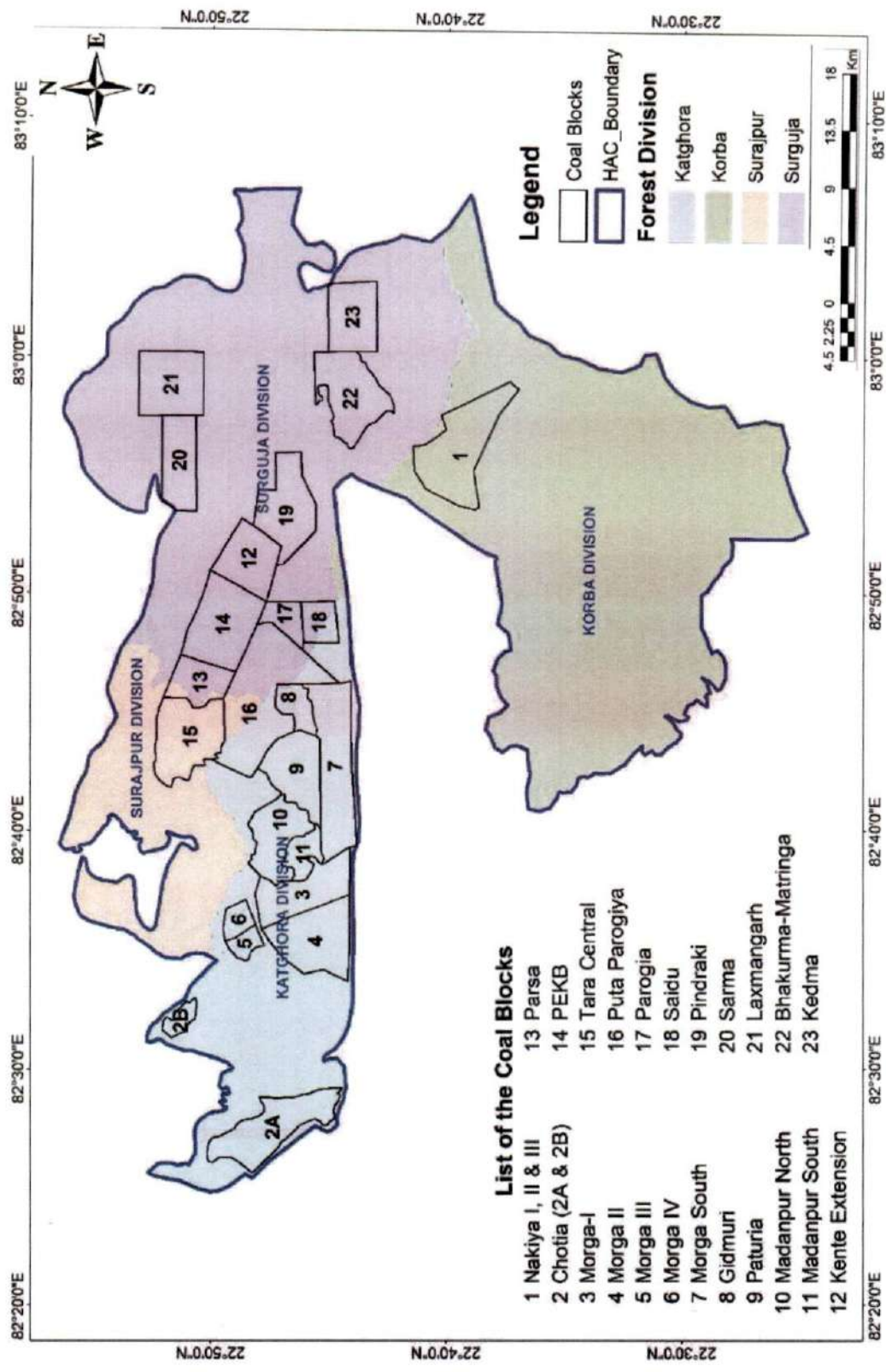


Figure ES.1: Map showing coal blocks in the entire Hasdeo-Arand Coalfield area that falls within Surguja, Surajpur and Korba Districts, Chhattisgarh

Table ES.1: Profiles of the coal block in the entire Hasdeo-Arand Coalfield area that fall within Surguja, Surajpur and Korba Districts of Chhattisgarh

Sl. No.	Name of Coal Block as per coal block allocation rule	Block No.	District	Latitude	Longitude	Allotment status	Extent sq. km.	Geological Reserves in MT	Remarks/Status
Allotted									
1	Parsa East Kanta Basan - CMSP (OC)	14	Surguja	22°47'38.02"N to 22°51'16.65"N	82°49'39.01"E to 82°47'23.51"E	Allotted to M/s. Rajasthan Rajya Vidyut Utpadan Nigam Limited	26.83	532.86	Mine is in operation in the 1 st Phase
2	Parsa-CMSP (OC)	13	Surguja & Surajpur	22°48'56.76"N to 22°52'00.66"N	82°46'41.08"E to 82°45'35.84"E		12.52	256.40	EC awaited
3	Kente Extension- MMDR (OC)	12	Surguja	22°47'00.72"N to 22°50'01.14"N	82°51'59.32"E to 82°50'58.41"E		17.60	369.22	TOR accorded
4	Chotia - Sub block-2A - CMSP (OC/UG)	02	Korba	22°50'08.23"N to 22°44'24.40"N	82°26'10.87"E to 82°29'10.75"E	Allotted to M/s. Bharat Aluminium Company Ltd. (BALCO) (Vedanta Group).	8.63	29.187	The ML has 2 sub blocks. Sub block 2A is under Fly ash dumping & backfilling.
	22°52'03.70"N to 22°50'35.42"N			82°31'37.96"E to 82°32'47.17"E		3.17	10.832	Sub block 2B is in operation	
Identified									
5	Tara-CMSP (OC)	15	Surajpur	22°49'25.44"N to 22°52'25.87"N	82°45'21.34"E to 82°42'48.95"E	Identified	24.00	317.33	Block initially allotted to CMDC
6	Madanpur North-CMSP (OC/UG)	10	Surajpur & Korba	22°45'34.81"N to 22°48'23.62"N	82°40'16.79"E to 82°38'36.67"E	Identified	21.39	213.46	Unallocated
7	Madanpur South-CMSP (OC)	11	Korba	22°45'11.15"N to 22°46'58.97"N	82°38'48.11"E to 82°38'32.10"E	Identified	7.14	169.83	APMDC Ltd.
8	Gidmuri-CMSP (OC/UG)	08	Korba	22°45'29.56"N to 22°47'14.87"N	82°44'16.63"E to 82°45'10.66"E	Identified	7.33	80.27	Chhattisgarh State Power generation Co. Ltd.
9	Patunia-CMSP (OC/UG)	09	Korba	22°45'21.64"N to 22°48'00.56"N	82°43'50.93"E to 82°42'37.53"E	Identified	16.14	269.25	NA
10	Morga-II-CMSP	04	Korba	22°47'48.78"N to 22°44'05.68"N	82°35'52.05"E to 82°37'19.42"E	Identified	26.64	350.70	NA
11	Morga-III-CMSP	05	Korba	22°47'42.56"N to 22°49'21.71"N	82°35'10.69"E to 82°35'22.65"E	Identified	6.00	36.00	M P state Mining Corp Ltd.,
12	Morga-IV-CMSP	06	Korba	22°48'05.06"N to 22°49'28.05"N	82°36'04.17"E to 82°35'53.02"E	Identified	6.87	34.78	M P state Mining Corp Ltd.,
13	Morga South-MMDR	07	Korba	22°43'48.13"N to 22°46'07.89"N	82°39'21.49"E to 82°46'10.17"E	Identified	21.92	432.54	Unallocated
14	Saidu-MMDR	18	Surguja & Korba	22°44'33.17"N to 22°46'10.26"N	82°47'54.65"E to 82°49'38.68"E	Identified	6.72	27.49	Identified Geological Report
15	Puti Parogiya-MMDR	16	Surguja, Surajpur & Korba	22°44'30.66"N to 22°49'56.74"N	82°46'12.32"E to 82°42'58.64"E	Identified	48.04*	NA	Identified
16	Parogiya#	17	Surguja	22°46'03.96"N to 22°48'02.08"N	82°47'56.01"E to 82°48'40.46"E	Regionally promotionally explored block	7.16*	NA	Regionally promotionally explored block
17	Pindraki -MMDR	19	Surguja	22°45'31.36"N to 22°48'11.95"N	82°53'44.75"E to 82°52'50.52"E	Identified	23.94*	NA	Identified
18	Sarna#	20	Surguja	22°50'38.86"N to 22°52'05.64"N	82°57'28.97"E to 82°53'55.90"E	Regionally promotionally explored block	18.18*	NA	Regionally promotionally explored block
19	Laxmangarh#	21	Surguja	22°50'20.31"N to 22°53'04.94"N	83°00'10.39"E to 82°57'27.55"E	Regionally promotionally explored block	23.64*	NA	Regionally promotionally explored block

Sl. No.	Name of Coal Block as per coal block allocation rule	Block No.	District	Latitude	Longitude	Allotment status	Extent sq.km.	Geological Reserves in MT	Remarks/Status
20	Bhakurma- Matringa- MMDR	22	Surguja	22°42'15.26"N to 22°45'34.39"N	82°57'55.95"E to 82°57'58.66"E	explored block	26.00*	NA	Identified
21	Kedma#	23	Surguja	22°43'01.00"N to 22°45'02.19"N	83°03'12.53"E to 83°00'12.67"E	Regionally promotionally explored block	18.95*	NA	Regionally promotionally explored block
22	Morga-I-CMSP	03	Korba	22°48'06.34"N to 22°44'04.24"N	82°37'21.81"E to 82°39'15.02"E	Identified	21.62*	NA	Identified
23	Nakya-I, II & III-MMDR	01	Korba	22°36'57.05"N to 22°41'23.19"N	82°58'39.69"E to 82°55'11.75"E	Identified	34.29*	NA	Identified
Total							434.72		

Sources: The shape files provided by RVUNL, extent of area worked out using GIS by ICFRE

CMPDI- OCBIS four mine, regionally promotionally explored blocks, will be included in HAC only after finalization of block boundary

*No documents available and therefore the area of extent was estimated using GIS & RS

ES 5. APPROACH AND METHODOLOGY

The approach adopted include desk review of relevant documents to generate project related information in detail; series of working group meetings with partner institutions and all other relevant stakeholders to work out the modality of collecting information from the field such as defining study area, sampling size and design ; standardization of methodology and to undertake comprehensive field survey, sharing of project related data /documents/ study area shape files and report finalisation.

Consultative meetings with State Forest Department (SFD) and project proponents were conducted to collect relevant detailed information related to the extent of forests falling within each compartment, ranges, divisions, etc., within the HAC, area shape files, location maps, assistance to conduct the field survey and project intervention information. Comprehensive field surveys were conducted for collection of information/ baseline data under respective components such as terrestrial flora & fauna including avifauna and wildlife, aquatic diversity, socio-economic status, mining and mine management, efficacy of mining plan/progressive mine closure plan, translocated tress and all the conservation measures including surface water/afforestation employing standard methodologies. The faunal aspect was collected by team of experts from Wildlife Institute of India. Thematic maps were generated using remote sensing (RS) and geographical information systems (GIS) with the spatial data collected from various authentic sources. Suitable statistical tools were employed for analysis of data, interpretation and preparation of report for the respective component of the study that are presented under various chapters in Volume – I of the report.

ES 6. LIMITATIONS

Based on the available information, the study considered 23 coal blocks (total extent of 472.21 sq.km put together of all the coal blocks under HAC) and 10km buffer for baseline data generation in the study area of Hasdeo-Arand Coalfield comprising of 1879.57 sq.km. Lack of required documents/reports like mining and mine closure plans, EIA/EMP reports (except for PEKB, Parsa, Kente extension and Chotia coal blocks); non-availability of documents/ reports/information for Morga-I, Nakiya, Kedma, Bhakurma-Matringa, Laxmangarh, Sarma, Pindraki, Parogia, Puta Parogia coal blocks, for which only the provisional coal block boundaries are available, were the major constraints to outline the specific impacts. Available secondary sources of information were also considered wherever applicable. In addition, the shape files of the 23 coal blocks in HAC provided by the M/s. RVUNL were used for generating various maps. Therefore, there may be slight variation with the actual coal block boundary details posted by the CMPDI site. The same may be considered carefully in future. The report prepared by the Wildlife Institute of India is enclosed as Volume -II along with this study report (Volume-I) for reference.

ES 7. GENERAL PROFILE OF THE STUDY AREA

ES 7.1 Approach to the study area

National Highway NH-130 passes through the HAC (Tara-Central). The district headquarters of Surguja (at Ambikapur) and Surajpur are located at about 100 km east and 120 km north respectively whereas that of Korba district is situated at about 50 km south of the PEKB coal block. The nearest Railway station is at Ambikapur and the nearest airport is Swami Vivekananda Airport at Raipur. The State Capital is situated at about 300 km away from the PEKB coalfield.

ES 7.2 Land use Land cover change

The Land Use Land Cover changes (LULC) were estimated using NRSC-ISRO digital data for the year 2011-12 and 2015-16. The entire Hasdeo-Arand Coalfield (1879.6 sq.km) falls under the LULC class (2015-16) such as forests (1526.49 sq.km; 81.20%); agriculture (179.53 sq.km; 9.55%), wasteland (129.45 sq.km; 6.89 %); water bodies (29.97 sq.km; 1.59%) and the built-up area 14.33 sq.km (0.76%).

ES 7.3 River and Drainage

The river basin and drainage map of the study area were prepared using georectification of Survey of India (SOI) topographic sheets as base map using Arc GIS software (version 10.1) and Carto DEM of NRSC (ISRO). It is primarily drained by the Hasdeo River, a tributary of Mahanadi River sub-basin running N-S of the HAC; and Rihand River a tributary of Sone River sub-basin (part of Lower Ganga River basin) running S-N of the HAC. The Hasdeo-Bango Dam, a multipurpose reservoir is built across the Hasdeo River, is the prominent water harvesting structure in the area. Several water courses of up to 6th order leading to the reservoir take origin in the surrounding hillock where mining is active and identified.

ES 7.4 Topography and climate

The topography of HAC is highly rugged dissected by deep gorges ranging from 450 to 550 m above msl in the southern part. Physio-graphically /Geographically, Chhattisgarh state is divided into three distinct land areas/three distinct zones *viz.*, 1. Chhattisgarh Plains, 2. Bastar Plateau and 3. Northern Hill Zones. The study area of HAC falls under northern hill region that occupies parts of Surguja, Surajpur and northern part of Korba, districts. The elevation zone from 410-418 m amsl occupies a maximum area 597.60 km² (31.01 %) where maximum coal blocks are reported to lie in this elevation zone. The study area experiences tropical to semi-tropical climate with three well defined seasons *i.e.* summer (March to June), monsoon (mid-June to September) and winter (mid-September to February). The entire HAC area falls within the *Zone-7 Eastern plateau and Northern hills region* agro-climatic zone therefore, **the HAC falls under single environmental unit.**

ES 7.5 Soil

The soils in the HAC area are generally of clay loam with sandy loam soil in some areas. The soils developed on moderately steep slopes are marked by severe erosion. The soils have been classified as Ustocherpts/ Ustorthents/ Rhodustalfs/ Haplustalfs/ Haplusterts as per pedological taxonomy. Soils in the Hasdeo River basin are mostly composed of residual soils and the predominant soil type in the basin is fine loamy (55.2%) soil. The area is more prone to soil erosion and gully erosion is one of the prominent physiographic features in most part of the areas.

Considering the importance of soil microorganism that play a key role in nutrient cycling, litter decomposition and maintenance of ecosystem function, the status of different beneficial microbial populations (*viz.*, Bacteria, Fungi, Actinobacteria and symbiotic group of fungi-Mycorrhizal fungi) within the study area were assessed by ICFRE following standard methodologies. In the present investigation, 24 AM fungi belonging to four genera *viz.*, *Acaulospora*, *Gigaspora*, *Glomus* and *Scutellospora* were recorded. The genus *Glomus* spp., was the most abundant AM fungus; and a total of fourteen different Ectomycorrhizal (ECM) fungi (Mushrooms) belong to nine genera such as *Amanita*, *Astraeus*, *Boletus*, *Boletellus*, *Lycoperdon*, *Russula*, *Sclerodrama*, *Suillus* and *Tuber* was recorded. Other beneficial microbes recorded include *Actinobacteria*, *Azospirillum*, *Azotobacter* and Phosphate Solubilizing Bacteria.

ES 7.6 Geology

Geologically, the HAC falls in the south-eastern region of the Chottanagpur plateau and is surrounded all sides by Gondwana litho-units comprise of Talchirs, Barakars, and Kamthi Formations except in the east by Archean rocks. It is a part of Son-Mahanadi master Gondwana basin and has a prominent fault along the major part of its southern periphery bringing Talchair formation and Precambrian rocks in juxtaposition with Barakars, while towards north the coal measures rest conformably on the Talchir sediments.

ES 7.7 Coal Resources

The coal deposits/resources in India are primarily concentrated in the Gondwan sediments occurring mainly in the eastern and central parts of Peninsular India. The total coal resource of India is reported to be 326495 million tons as on 1st April 2019; of which about 59908 million tons (18%) occur in the state of Chhattisgarh, which is the third highest resources base in India followed by that of Jharkhand and Odisha.

- The HAC in Chhattisgarh has third highest coal resources (5529 million tons) that accounts for 9% of total coal reserves of the state next to Mand-Raigarh and Korba coal fields that consists of 530 sq.km area of which 51.25% (271.67 sq.km) has been leased in Korba Coal fields that include 62% of coal bearing area (168 sq. km) for underground mining.

ES 8. PROFILE OF THE COAL BLOCKS

- Details of coal blocks such as mining methods, environmental monitoring, conservation measures, *etc.*, of the 23 coal blocks including that of Parsa East and Kanta Basan (PEKB) and Chotia 2A & 2B including the best practices carried out and gaps identified are provided in detail in the Chapter 3 of the study report Volume-I. However, a general description of the profile of coal blocks is detailed in this Executive summary under sections ES.4.1 and Table ES.1.
- In HAC, four coal blocks *viz.*, Parsa East & Kanta Basan (PEKB), Parsa, Kente Extension and Chotia (2A & 2B) are allotted, of which two *viz.*, PEBK and Chotia are in operation and the other two are in the process of obtaining statutory clearances. These four-coal blocks put together covers an area of 68.75 sq.km *i.e.*, about 4% of HAC coal bearing area having 1198 million tons of coal resources.

ES 9. BIOLOGICAL PROFILE OF THE ENTIRE HASDEO-ARAND COALFIELD AND 23 COAL BLOCKS

The following section highlights the findings on terrestrial flora, fauna (wildlife) and avifauna, aquatic diversity and socio-economic *vis-à-vis* biodiversity values for the entire Hasdeo-Arand Coalfield (HAC) comprising of 23 coal blocks and the perceived impacts as outlined in the ToR. The HAC falls primarily under Deccan biogeographical area, which is characterized by both tropical dry deciduous and tropical moist deciduous forests (Champion & Seth, 1968) with large area under tropical moist deciduous forests, where the tree canopy is not dense and comprises of few species.

ES 9.1 Characterisation of Forest Cover and Forest Types

Characterisation of the entire forest cover class and forest types in HAC and in 23 coal blocks were made using FSI (2017) and FSI (2011) digital data respectively.

Table ES.2: The forest cover classes and their extent in the entire Hasdeo- Arand Coalfield that falls in Korba, Surguja and Surajpur Districts of Chhattisgarh

Forest Cover Class	Entire HAC Area (Sq.km)	23 coal blocks Area (Sq.km)	Relative occupancy (%)
Water body	12.69	0.66	5.20%
Scrub	33.52	11.21	33.44%
Very Dense Forest	126.72	69.18	54.59%
Open Forest	197.57	52.65	26.65%
Non-Forest	351.05	104.16	29.67%
Moderate Dense Forest	1158.04	233.40	20.15%
Total	1879.58	472.13	25.12%

Source: Estimated using 2015 digital format (FSI, 2017)

The study area (both whole HAC & 23 coal blocks) is comprised of six forest cover classes. The forest types in HAC are characterised by tropical moist deciduous forests comprises of five forest types (Table ES.2 – ES.3).

Table ES.3: Forest types and their extent within Hasdeo-Arand Coalfield that falls within Korba, Surguja and Surajpur districts of Chhattisgarh

Forest Type	Area (sq.km) HAC	23 coal blocks area (sq.km)	Relative occupancy (%)
3C/C2e (ii) Moist Peninsular Low-Level Sal Forest	835.61	198.01	23.70%
3B/C2 Southern Moist Mixed Deciduous Forest	314.53	105.71	33.61%
5B/C1c Dry Peninsular Sal Forest	70.22	16.94	24.12%
5/E9 Dry Bamboo Brakes	133.98	7.13	5.132%
5B/C2 Northern Dry Mixed Deciduous Forest	46.61	08.82	18.92%
Total	1400.95	336.61	24.03%
Non-Forest	464.23	133.79	25.22%
Total	1865.19	470.40	23.70%
Plantation/ TOF	0.03	-	-
Water	14.35	1.69	11.78%
Total	1879.57	472.09	25.12%

Source: Estimated using 2011 digital format

The forest cover observed significant area under moderately dense forests followed by very dense forests. The Moderately Dense forest observed lowest 2.06 sq.km in Morga-III (2.06 sq.km) and highest in Nakiya (21.48 sq.km); and Very Dense forest in 15 coal blocks ranging from 0.04 sq.km in Laxmangarh to 16.88 sq.km in Tara. The relative occupancy area of forest cover and forest type in all the 23 coal blocks comprises of 472.13 sq.km and 336.61 sq.km respectively.

Out of the five-forest types observed in HAC, two-forest types *ie.*, 3B/C2e(ii) Moist Peninsular low-level Sal forest occupied the maximum (192.11 sq.km) area in all 23 coal blocks that accounted for 23 % of the entire HAC (835.40 sq.km); followed by 3B/C2 Southern Moist Mixed Deciduous forest (104.38 sq.km) which accounted for 33% of the total forest type in HAC (314.46 sq.km).

A total of 640 plant species belonging to 400 genera, 109 families were recorded from the entire HAC (Table ES.4). The vegetation was dominated by Poaceae family with 72 species followed by Fabaceae (64 species), Rubiaceae (31 species) and Asteraceae (27 species). Thirty-eight families were represented by single species each. Out of the total plant species, 146 species were trees, 363 herbs including grasses and ferns, 66 shrubs, 48 climbing shrubs and 17 woody climbers. Sal was the dominant tree species in the core and buffer areas of entire HAC. The vegetation composition is dominated with five families namely Poaceae, Fabaceae, Rubiaceae, Euphorbiaceae and Asteraceae in HAC.

Table ES.4: Composition of vegetation within Hasdeo-Arand Coalfield comprising of 23 coal blocks that fall within Korba, Surguja and Surajpur districts of Chhattisgarh

Floral Diversity		Resources	
No. of species	640	Medicinal plants	128
No. Genera	400	Timber yielding plants	40
No. families	109	Edible plants	60
No. of Invasive species	9	Fodder plants	65
No. of threatened (RET) species	33	Fuel wood species	75
		Commercial	59

ES 9.1.1 Stand density

A comparative account on the stand density of trees and herbs in and around the coal blocks in HAC were recorded to understand the variation which is attributed to the site quality and climatic conditions. Distribution across different girth classes indicates the occupancy of a site.

- The stand density of trees in the core zone of four contiguous coal blocks (Tara (15), Parsa (13), PEKB (14) & Kente-Extension (12) was low (424 stems/ha) as compared to the respective buffer zone (535.71 stems /ha). This could be due to selective removal of lower girth-class individuals of all tree species within the core zone; while that of the remaining 19 coal blocks in HAC varied between 599.46 stem/ha and 910.55 stem/ha respectively in the core and buffer zones. The difference between core and buffer zone could be attributed to distribution pattern or occurrence of very dense forest in few coal blocks and moderately dense forest in many coal blocks and fringe forest villages.
- The density of shrubs in general found to be low in buffer of all the 19 coal blocks (1966 stems /ha) and around the four-coal blocks (1217 stem/ha). This is perhaps due to removal of vegetation for NTFP collection such as Mahua flowers, Tendu leaves, fuel wood, etc., in around the forest fringe villages (142 revenue villages in the fringe forests). In addition, frequent spontaneous forest fire used to occur in the area, and also the post monsoon vegetation survey was made immediately after the forest fire in some of the sampled areas.

Locations	Stand density (stems/ ha)	Stand basal area (m ² /ha)	Mean Basal area/ plant (m ²)
Core of 4 coal blocks	424.0	21.87	0.052
Buffer of 4 coal blocks	535.7	13.98	0.026
Core of all coal blocks	599.5	19.92	0.033
Buffer of all coal blocks & HAC	910.6	28.87	0.032

Shorea robusta was observed dominant tree species with highest IVI values in all the four category of sampling locations followed by *Diospyros melanoxylon*, *Madhuca*

longifolia var. *latifolia*, *Buchanania lanzan*, *Lagerstroemia parviflora*, *Terminalia elliptica* and *Anogeissus latifolia*.

- Among shrubs, *Phoenix loureirii* was the dominant species common to all blocks and their buffer areas followed by *Ichnocarpus frutescens* and *Hemidesmus indicus*.
- Among herbs, *Elephantopus scaber* was the dominant species common to all coal blocks and their buffer areas followed by *Rungia pectinata*, *Evolvulus nummularius*, *Sida cordata*, *Rungia pectinata*, *Desmodium triflorum* and *Phyllanthus urenaria*.
- In case of HAC and in all coal blocks locations *Shorea robusta* was the dominant tree with highest IVI values (ranging from 87.80 to 120.06). *Diospyros melanoxylon* showed second highest values except in buffer areas of the four contiguous coal blocks.
- The diversity of trees and shrubs (represented by H') ranged from 1.87 to 2.68 and from 1.67 to 2.87 respectively indicating that the area is medium diverse.
- Herbs recorded high diversity i.e., ranged from 3.83 to 4.10.
- In summary, the four contiguous coal blocks (Tara (15), Parsa(13), PEKB(14) & Kente-Extension(12) recorded less plant diversity in both core and buffer areas (Fig 10.9 &10.10), it could be due to the selective removal and impacts of open cast mining and allied activities being carried out in PEKB (15). The comparative account on the diversity index in and around the coal blocks and Hasdeo-Arand coalfield area is presented below:

Life forms	Coal Blocks	H'	λ	E
Trees	Core of 4 Coal blocks	2.28	0.17	0.66
	Buffer of 4 Coal blocks	1.87	0.21	0.65
	Core of all other coal blocks	2.40	0.17	0.63
	Buffer of all other coal blocks	2.68	0.12	0.66
Shrubs	Core of 4 Coal blocks	1.67	0.33	0.62
	Buffer of 4 Coal blocks	1.8	0.25	0.72
	Core of all other coal blocks	2.87	0.08	0.63
	Buffer of all other coal blocks	2.56	0.12	0.68
Herbs	Core of 4 Coal blocks	2.10	0.19	0.66
	Buffer of 4 Coal blocks	3.83	0.04	0.79
	Core of all other coal blocks	3.99	0.03	0.78
	Buffer of all other coal blocks	4.10	0.03	0.79

H' =Shannon Weiner index; λ =Simpson index; E=Buza and Gibson's evenness index

ES 9.1.2 Rare Endangered Threatened and Invasive species

The HAC is very important in terms of its phytogeography and occurrence of 33 Rare, Endangered and Threatened (RET) plant species recorded both from core and buffer areas of coal blocks (Annexure 4.10, Plate 4.5). No detailed inventory is available or undertaken in the past. Based on the survey the significant occurrence of RET both in core and buffer zone indicates the nice and amplitude of RET species in HAC.

A total of nine invasive and weedy plant species having high potential to produce numerous propagules were recorded from the entire HAC region/study area, (Ref Table 4.11 of Chapter-4) having high potential to produce numerous propagules.

Sl. No	Name of the Plant species
1	<i>Ageratum conyzoides</i> L.
2	<i>Argemonemexicana</i> L.
3	<i>Chromolaena odorata</i> (L.) King & Robins
4	<i>Hyptissuaveolens</i> (L.) Poit.
5	<i>Ipomoea carnea</i> Jacq.
6	<i>Lantana camara</i> L.
7	<i>Parthenium hysterophorus</i> L.
8	<i>Pennisetum pedicellatum</i> Trin.
9	<i>Xanthium strumarium</i> L.

ES 9.1.3 Likely impacts on forest and flora

Out of the total coal bearing area in HAC, 1502 sq.km falls in the forest, which is reported to be the largest un-fragmented forests in Central India consisting of pristine Sal (*Shorea robusta*) and teak forests outside the official protected area system which is an important corridor for movement of flagship species like elephants and tigers in Chhattisgarh. Mining related land use changes will have negative impact on forest cover/density, forest type, forest fragmentation. In addition, forest fragmentation will contribute to decreased patch/corridor connectivity, increased edge effect, change in micro climate and promote invasive species if not taken adequate mitigation measures.

ES 9.2 Terrestrial and Avi Faunal Diveristy

- A total of 25 mammalian vertebrates were recorded in and around the Parsa, Parsa East & Kanta Basan (PEKB), Kente Extension and Tara coal blocks. Among the mammal species recorded in the HAC, **nine species are listed in the Schedule – I.**

Wildlife (Protection) Act, 1972	IUCN Red list
Schedule-I = 9 species	Endangered=2
Schedule-II = 10 species	Vulnerable=5
Schedule-III = 4 species	Near Threatened=3
Schedule-IV = 2 species	Threatened=15

- SDM model were developed to assess the distribution probabilities of mammalian species occurrence using camera trap and sign survey for each functional guild of large carnivore, meso-carnivore, ungulates and overall species richness suggested relatively high habitat-use in the Tara, Parsa, PEBK and Kente Extension coal blocks, in the surrounding for meso-carnivores; and in the vicinity of the villages.
- A total of 92 species of birds belonging to 44 families were recorded of which six species are protected under the schedule I of Indian Wildlife (Protection)

Act, 1972 and 19 species range restricted to the only Indian subcontinent. A total of 74 resident; 4 summer migrants; 14 winter migrants; 12 endemics to Indian subcontinent. This represents the importance of the landscape in providing the suitable habitat to these critical species. All the coal blocks, particularly the Morga II, Saidu and Pindraki and the surrounding habitats support high species richness and diversity of birds. Among the winter migrants' species, many are insectivores and probably migrated from the Himalayas to avoid harsh cold winter.

- The entire HAC landscape comprise of 649 forest compartments spread over 12 forest ranges in 4 forest divisions. As reported by the State Forest Department, the elephant occurrence is recorded in 148 out of 647 compartments during 2018-2020 in all the 12 forest ranges.
- Wildlife Institute of India (WII) in collaboration with Chhattisgarh Forest Department have established that, the elephants have large home ranges. A conservative estimate revealed that about 40 to 50 elephants use HAC and the surrounding landscape at different times of the year as the habitat use by elephants is not limited to any specific area, but is spread across the entire landscape. In addition, home range polygons of some of the elephants that were monitored using satellite collars also fall within the landscape.
- Chhattisgarh human-elephant conflict (HEC) situation is relatively low in number (<300, which is <1% of India's wild elephant population), but significant levels of HEC with over 60 human lives are lost every year due to conflict (>15% of the reported human deaths due to HEC) from HAC. In addition to loss of human lives, crop loss and damage to property due to HEC are severe.
- There is continuous dispersal of elephant herds from the neighbouring states of Jharkhand and Odisha. The forests that elephants currently occur are highly fragmented and degraded due to incompatible land-use resulting in reduced home range of good quality therefore the home range in HAC is large and scattered.
- The forest department at Korba Forest Division has recorded tiger presence in a few locations within Hasdeo-Arand area. *Circuitscape* models to establish habitat connectivity of tiger between Kanha-Boramdeo-Achanakmar (KBA) and HAC landscape recorded a higher conductance values indicating a strong connectivity.

ES 9.2.1 Likely impacts on terrestrial and avi fauna

Major disturbances to habitats such as that in the case of mining will not only cause habitat loss and fragmentation (as understood generally), but can affect avi faunal habitat, wild fauna including large mammals and individual herd's home ranges. Such disturbances can lead to abandonment of habitats as threats to home ranges have a threshold limits.. Infrastructure development and mining will have negative impact on quality habitat available due to fragmentation and mitigation will be a huge challenge.

The effect of mining on elephant habitat may not reflect in the same habitat, but could be a silent trigger for Human Elephant Conflict (HEC) in some other area within the landscape.

ES 9.3 Drainage Pattern and Aquatic Diversity

ES 9.3.1 Drainage and location of the coal blocks

The study area of HAC and its 10 km buffer falls under eleven watersheds viz., Gej, Jhink, Bamni, Anjan, Ton, Teti, Chornai, Hasdeo, Mand, Chuiya and Rehar. While, all the watersheds are part of the Hasdeo drainages that contribute to the Mahanadi River, Rihar watershed forms part of the lower Ganga River basin. Of all the watersheds falling within the Mahanadi River sub-basin, mainly four viz., Bamni-Anjan, Ton-Teti, Gej-Jhink and Chornai are contributing to the flow in the Hasdeo River and the Hasdeo-Bango Reservoir. The Chornai watershed spreads across almost half the area of HAC and the Chornai Nadi is an important and the largest drainage system that occupies nearly one fourth of the HAC.

The Atem Nadi falls within the Gej-Jhink watershed and is joined by two streams viz., **Salhi Nala** and **Garjan Nala**. The area under both the streams together forms the core and buffer zone of the four coal blocks viz., Tara-Central (15), Parsa (13), PEKB (14) and Kente Extension (12), of which the PEKB (No. 14) is active/ operating coal mine. Overall, these coal blocks area forms part of the Atem River system, which runs towards north from the HAC and joins the Hasdeo River at north.

- **Salhi Nala** – The area drained by Salhi Nala forms part of the core and buffer of the Parsa (13), PEKB (14) & Tara (15) coal blocks, of which PEKB is the only active/ operating mine. Salhi Nala and its primary feeder streams drains the core/buffer area of the PEKB coal block (14). The Salhi Nala joins the Atem Nadi at Shivnagar.

Before the PEKB (14) coal block came into operation, the Salhi Nala drained the area upto Kete, Basen, Ghatbarra, etc. Presently, the open cast coal mining and related land use land cover changes in the core/buffer area of the PEKB is observed to have significant *influence on the Atem Nadi mainly through the Salhi Nala* .

- Besides PEKB (14), the core/buffer area of Sarma (20) and Laxmangarh (21) coal blocks is also drained by the Salhi Nala at its origin. Overall, the Salhi Nala is most likely to be influenced by the **Kente Extension (12), Parsa (13), Tara (15), Sarma (20) and Laxmangarh (21)** coal blocks, in addition to the active coal block i.e., PEKB .

Chornai Nadi: It is an important sixth order drainage systems that spreads across almost half the area of the entire HAC . It is fed by two fifth order streams (i) the **Chornai Nala** (ii) the **Rapta Nala (Lemru)**.

- **Chornai Nala:** This stream drains the area falling under the influence zone of 12 coal blocks Nos. 7-9, 12-19 and 21 viz., **Morga South (7), Gidmuri (8), Paturia (9) Kente Extension (12), Parsa (13), PEKB (14), Tara-Central (15), Puta Parogia (16), Parogia (17), Saidu (18), Pindraki (19), and Laxmangarh (21)**, of which the coal blocks such as Kente Extension (12), Parsa (13) PEKB (14) and Tara (15) are either active/ advanced stage according statutory process /ToR approved.

Rapta Nadi (Lemru): The network of streams of Rapta Nadi together with Chornai Nala form one of the major drainage systems that originate and occupies nearly one fourth of the HAC. The main portion of the stream is formed by two fourth order streams - the **Gandher Nala** and **Rapta Nala**. Another fourth order stream joins the main water course of the Rapta Nadi on the left bank downstream near Kuturuwan. The Rapta Nadi, at its origin, drains the area under the coal blocks of **Nakiya-1 (I, II & III)**.

- **Both Gandher Nala and Rapta Nala with its** stream networks namely Lamti Nala and Bimalta Nala drains the core/buffer areas of the Coal Block **Nakiya-1 (I, II & III)**. The are under these stream networks are characterized by rugged mountainous terrain having deep cut valleys and relatively dense mountainous/ riparian forest.
- **Rehar River** originates near the villages Bhakurma and Kedma, **where the proposed two coal blocks Bhakurma-Matringa (22) and Kedma (23) is located**. Two out of the three important tertiary feeder streams (Barka Nala & Balu Nala) of the river drain the core zone of the coal blocks 22 & 23. In addition to these two coal blocks, nearly half of the area of the coal block No. 21 (Laxmangarh) is drained by one of the secondary streams that join the River near Udaipur.

The streams under **Ton-Teti watershed/** other smaller streams viz., **Bisrar Nala/ Dhajag Nala/ Bamni-Manasi Nala/ Maniari Nala** drain the areas that form the core/buffer of as many as nine proposed coal blocks viz., **Morga-I (3) Morga-II (4), Morga-III (5), Morga-IV (6), Morga South (7), Paturia (9), Madanpur north (10), Madanpur south (11) and Puta Parogia (16)**. These streams directly drain into the Hasdeo River at the upstream of the Hasdo-Bango reservoir. The lower reaches of these streams particularly the surrounding area of Dhajag/Manasi Nala are occupied relatively **undisturbed dense forest cover**.

- In general, the physico-chemical water quality parameters of the streams varied within their expected natural ranges characteristic to the general features of the study area. Among the parameters studied, comparatively higher values were recorded for pH, Conductivity and TDS during winter compared to that of the post-monsoon. The surface water temperature varied according to both diurnal and seasonal changes in solar radiation.

- The assessment of community (Biotic) metrics of the aquatic macroinvertebrates, one of the most prominent indicator organisms of water quality of freshwater streams, in different stream networks revealed a total of 9924 individuals of macroinvertebrates belonging to 04 phyla (Platyhelminthes, Annelida, Arthropoda and Mollusca), 06 classes (Rhabditophora, Clitellata, Insecta, Malacostraca, Gastropoda and Bivalvia), 19 orders and 61 families.
- The insect taxa constitute the most dominant taxonomic group in macroinvertebrate assemblages of the entire sampling location with a relative abundance of 86.82% and a total richness of 45 families. The Ephemeroptera (mayflies), Plecoptera (stoneflies), and Trichoptera (caddisflies) with Odonata (*EPT/O*) taxa accounted for nearly half (52.61%) of the abundance of all taxa. The relative abundance of *EPT/O* were high in both Chornai Nadi-Left bank (71.96%) and right bank streams (71.67%) compared to that of all other stream networks sampled, including the Atem Nadi and Salhi-Garjan Nala, where active mining is being undertaken.
- The probable biological water quality of the sampling locations, based on different biotic indices employing aquatic macroinvertebrates *viz.*, ***Taxa Tolerance Score (TTS)***, ***Average Score Per Taxon (ASPT)*** and ***Macroinvertebrate Water Quality Index (MWQI)*** revealed that :
 - Both Chornai Nadi-Right and Left bank streams had high value of *TTS* (>100) with water quality category 'Very Good' (Unpolluted, Un-impacted) compared to that of all the other locations sampled. Also, the *TTS* recorded at Atem Nadi and Salhi-Garjan Nala with water quality category 'Good' (Clean, but Slightly Impacted) were on par with that of locations other than Chornai Nadi-Right and Left bank streams.
 - The Average Score Per Taxon (*ASPT*) indicated 'Good' water quality in five sampling locations *viz.*, Bissar & Maniar Nala, Bamni Nala, Chornai Nadi-Right and Left bank streams and Khadpadi & Parla Nala as well as 'Moderate' water quality in the remaining three locations *viz.*, Atem Nadi, Salhi & Garjan Nala and Rehar River.
 - The Macroinvertebrate Water Quality Index (*MWQI*) indicated 'Very good' water quality with 'Slight organic pollution' for Chornai Nadi-Left bank streams, Chornai Nadi-Right bank streams and Khadpadi & Parla Nala; 'Good' water quality with 'Some organic pollution' for Bamni Nala; 'Fair' water quality with 'Significant pollution' for Atem Nadi and Bissar & Maniar Nala; 'Fairly Poor' water quality with 'Significant organic pollution' for Rehar River and 'Poor' water quality with 'Very significant pollution' for Salhi and Garjan Nala.
- A relatively high diversity (based on indices *viz.*, Shannon and Fisher's alpha) of aquatic macroinvertebrates was observed at two locations (Chornai Nadi-Right

bank streams and Salhi & Garjan Nala) and a low diversity at two locations (Bisrar & Maniar Nala and Bamni Nala).

- It is to note that, in terms of diversity of aquatic invertebrates, Salhi & Garjan Nala followed by Atem Nadi, which are located in the core/buffer area of the active coal block (PEKB), were one of the relatively good/moderate diverse locations. On the contrary, the Taxa Tolerance Score and ASPT indices ascertained that these locations ranked relatively low in terms of the abundance of pollution sensitive aquatic organisms.
- Overall, the biotic metrics, diversity indices and biotic indices of water quality calculated for the aquatic macroinvertebrates revealed that the water quality and the likely impacts of various natural and anthropogenic stresses on aquatic resources at the forested stream locations such as:
 - Chornai Nadi- Right and Left bank streams were not observed to be impacted very significantly.
 - The two prominent sampling locations *i.e.*, core/buffer to the active mining areas *viz.*, Atem Nadi and Salhi & Garjan Nala were more or less similar in all respects of aquatic macroinvertebrate biodiversity, biological water quality and both varied significantly from that of the other sampling locations.
- A total of 13 common indigenous fish species and 02 introduced exotic fish species *viz.*, *Cyprinus carpio carpio* (Common carp), *Oreochromis mossambicus* (Tilapia); few crustaceans that include prawns and crabs were recorded and reported to occur in the streams of the area. Most of the catch hardly consists of few grams to 1-2 kg, which is often utilized for individual consumption, and therefore, do not attract significant commercial value. Of the 13 fish species recorded three fish species (*Garra mullya*; *Cirrhinus reba* and *Channa gachua*) are categorized under Vulnerable (VU) and six species under Lower Risk near threatened (LRnt) category of conservation status (CAMP, 1998).

ES 9.3.2 Likely impacts on the drainage and aquatic diversity

Mining in forested landscape involves significant land use changes that most likely result in geo-morphological/hydrological changes in the river water courses. In the present scenario, mining is being done in a relatively small geographical area as compared to the total extent of the all the coal blocks allotted/re-allotted and identified (23 coal blocks as on date) in the entire HAC; however, the direct and indirect impacts are significantly evident from the observable changes in the forest cover and natural drainages. Deterioration in the quality and quantity of surface water is an important issue and is likely to increase further with the expansion of mining. Majority of the drainage that drains the core and buffer zone of the coal blocks are of primary and secondary feeder streams and therefore, they will be greatly affected due to retention, flow restriction, low discharge, reduced channel morphology, etc.

More importantly, the cumulative impacts perceived out of the mining in the contiguous coal blocks *i.e.*, 12-15 & 19 as well as its adjacent ones 20-21 would perhaps be more severe on the HAC landscape and the drainage system particularly the Atem Nadi, a part of the Gej-Jhink watershed and the Chornai Nadi, a part of the Chornai watershed.

ES 10. SOCIO-ECONOMIC VIS-A-VIS BIODIVERSITY VALUES OF HAC

The HAC is a notified *Scheduled Area* under the 5th Schedule of the Constitution of India due to preponderance of tribal population. The society is dominated with scheduled communities to the extent of 76.33% of total population, comprising of Scheduled Tribes (69.74 %) and Scheduled Castes (3.92 %).

- A total of 142 revenue villages are situated in rural areas and in the fringes of the forest within the landscape Hasdeo-Arand having a total population of 124948 belonging to 28948 households (HHs) with 1.25 million population dependant on forest for fuel wood, fodder, timber and NTFP.
- The average population density is 95 persons per sq.km and the average family/household size of 4.32 individuals with an average sex ratio of 981. Household population is dominated with age group of 6-15 followed by 16-25 years age group.
- Ethnic groups of different religious, social and cultural backgrounds inhabit in the HAC represented by 24 STs, 12 SCs, 23 OBCs amongst the notified ST, SC and OBC communities of Chhattisgarh state and 05 general communities.
- No Particular Vulnerable Tribal Group (PVTG) were recorded or reported within the core zone of any of 23 coal blocks. However, Birhor PVTG were reported from Lalpur village of Lalpur Gram Panchyat of Poundi-Uproda CD block, Korba district; and Pahari Korwa is reported to be inhabited in Kadamjheriya village, a solely Pahrai Korwa inhabited tribal village.
- Household land holding pattern are in the order of marginal>small>semi medium> medium> large. Overall 89.39 % of total working population are engaged in agricultural related activities, 9.46 % as other workers and 1.22 % as household industrial workers.
- Weekly markets locally known as “Hats’ satisfies the daily needs of the local communities and also provides an opportunity to sell their minor farm produce, forest produce and handicrafts to supplement the household income. Surplus paddy production is sold at Primary Co-operative Societies by medium and large farmers.
- Paddy is the main crop and taken as single crop during kharif season besides Maize, Kodo, Kutki *etc.* Wheat is grown as rabi crop in irrigated areas and low laying areas to a limited extent. Average productivity of Paddy is 13 quintal/ha, Maize (18 quintal/ha) and Wheat (13 quintal/ha). Vegetable and fruit production are mainly for subsistence use; however, the surplus vegetable and fruit production, are sold in weekly markets.

- There are about 25,494 priority and 9,831 Antodaya (poorest of poor) eligible ration card holders (HHs) for subsidized ration as on 2020-21 (National Food Security Act 2013) in the study area.
- Area under village forest land use is 798.28 sq.km, nearly 98.57% households are dependent on forest for fuel wood, small timber, non-timber forest produces for their livelihood and sources of income.
- Estimated average annual household fuel wood removal from forest in surveyed villages is 2.47 tonnes with a maximum of 4.12 tonnes by the villagers living in fringes of Lemru forest range under Korba Forest Division and a minimum of 1.7 tonnes by villagers in the fringes of Udaipur forest range under South Surguja Forest Division.
- Estimated annual fuel wood dependence on forest in HAC accounts for 0.07 million tonnes. Estimated annual household dependence on forest for small timber in HAC is 6368.56 cu m.
- There are about 129 Tendu leaves collection centres belonging to 10 Primary Co-operative Societies under 04 district unions in the study area. During the 2019 season Tendu leaves removal from study area was around 20,003 standard bags of value Rs .80 million from HAC. In addition, unregulated trade of Mahua, Chirongi seeds etc also contributes to substantial income to house hold.
- Animal rearing was not a common practice in the HAC in the past however it has become popular for milk, ploughing agricultural fields, cart pulling; and as source of meat in the last decade, which has resulted in increase of livestock. Livestock constitutes cattle (76221), goat (62533), buffalo (14767) and pig (2043).
- A total 128455 Adult Cattle Unit (ACU) are dependent on forests for grazing besides grazing in agricultural fields and road side.
- Majority of the (96.70 percent) households graze their livestock in nearby pasture and forest land. Estimated per capita annual fodder requirement in HAC is 9.10 tonnes/ACU and annual fodder dependence from forest accounts for 1.13 million tonnes.
- Per capita annual fodder requirement is estimated to be 9.10 tonnes/ACU 1.13 million tonnes as annual dependence on fodder from forest.
- Locals practice fishing for subsistence use. Most of the catch hardly consists of few grams to 1-2 kg, which is often utilized for household consumption.
- Estimated average annual household income of sample households is Rs. 86,341/-, of which Rs. 17,195/- from forest; Rs. 28,381/- from cultivation and Rs. 40,763/- and secondary sources of income like manual casual labour in cultivation /agriculture, jobs and business.
- There is no place of religious, cultural, and archaeological importance within core zone of any coal block. However, there are three notified sites by the Archaeological Survey of India (ASI) namely Jogimara caves, Sita Bengra caves and Mahespur Shiva temple falling within influence zone

(i.e., 10 km aerial radius) of PEKB and Laxmangarh Coal blocks respectively.

ES 10.1 Likely Impacts

Hasdeo-Arand Coalfield (HAC) area is a home to socially, economically backward vulnerable schedule population dominated by scheduled tribes and others traditional forest dwellers. Over 90% of the households are dependent on agriculture and forest produce for their livelihoods from forests. The forests also maintain the hydrological and other ecosystem services on which the locals are dependent for agriculture and other allied activities. Cumulative Impact of displacement due to mining operations will have serious impact on community in form of loss of livelihood, identity and culture.

ES 11. RECOMMENDATIONS BASED ON THE FINDINGS OF THE BIODIVERSITY STUDY

The recommendation under respective components include mitigation measures for respective components for the coal block in operation and HAC are detailed in report Volume -I in Chapter- 10.

ES 11.1 Observation on the Conservation Measure and Recommendations - Parsa East & Kanta Basan (PEKB)

The PEKB coal block has been undertaking systematic reclamation and rehabilitation activities including, stabilization of external waste dumps and internal backfilling's with adequate engineering measures (Toe/retaining Wall, Garland drain, gully plugs, miscellaneous drainages alongside haul road/avenue areas, water harvesting structures like settling ponds, catch water drains along coal block boundary to maintain required flow in the natural water courses, check dams, etc.) and biological measures include extensive afforestation with suitable mixed native plant species all over the reclaimed areas that include both within the statutory areas and vacant lands. Except few failures in the implementation/ maintenance of flow arresting structures on the waste dump particularly East External Dump, all measures implemented by the PEKB observed to be adequate enough to protect the mining environment from further damages.

Detailed survey was made based on the environmental compliance conditions in the PEKB open cast coal block. Observation and the recommendation under respective components such as Geological Reserve, mining and transportation, environmental measures, efficacy of mine closure plan, Reclamation and Rehabilitation and safety zone are provided in detail in the in Chapter-8 and Chapter-10.

ES 11.2 Observation about opening the PEKB Coal Block for mining as per the Sequential Mining– NGT Query

As proposed in the mining plan, the mine pit has been opened all along the strike length of coal seam for a length of 6.12 km along mine surface with 650 -700 m wide

and up to a depth of 40-45 m depth. The extensive mining operations is being carried out by three contractors confined to their designated area of mining in the entire strike length of coal seams. This has resulted in inadequate bench width in over burden (OB) benches ranging from 8 to 12 m than that of 20 m minimum bench width planned. Height of the benches in OB is below 6 m and well maintained except at cross-section C-1, on dip side three benches have height more than 6 m (534 m to 501.9 m).

- Opening of such a long mine face for extensive mining has seriously impacted the land degradation. Such practice will not only expose huge area but also result in land degradation which is not specific to particular time, but carry further for the entire life of the mine.
- *Therefore, it is suggested that opening of long mine face shall be minimized by undertaking intensive mining i.e. mining in smaller strike length up to the bottom of the ore body with simultaneous backfilling.*
- Mine benches are comparatively clean with not much of blasted/spilled material scattered on the mine faces. *However, seepage water was seen accumulated on lower coal seam (IV) floor at surface miner operational area. Such seepage water may be properly channelized to mine sump for keeping coal seam floor clean.*

ES 12. EFFICACY OF MINE CLOSURE PLAN

There are 23 coal blocks identified by CMPDI; of which four blocks were re-allotted and the remaining 19 blocks are divided into three groups such as Group A, B and C:

GROUP A: Five (05) coal blocks such as Tara, Madanpur (North), Madanpur (South), Paturia and Gidmuri have only geological, mining and mine closure proposals.

Group B: Limited information is available for another 05 coal blocks such as Morga-II, Morga-III, Morga-IV, Morga South and Saidu

GROUP C: Remaining 09 coal blocks (Putra Parogia, Parogia, Pindraki, Sarma, Laxmangarh, Bhakurma-Matringa, Kedma, Morga-I and Nakiya) no information is available.

The detailed information on the Feasibility Report, Mining Plan, Mining Scheme, Mine Closure Plan, EIA/EMP reports for the above mentioned 19 mines were not available.

ES 12.1 Efficacy of Parsa mine closure plan

State of the art technology in respect of coal beneficiation through coal washeries and dispatch of coal through rapid loading system with pit head rail siding is envisaged. Strike length of coal seam along the floor of the pit proposed is 2.95 km (approx.), advancement of mining operations towards dip direction; strike length of the ore body

divided into two and haulage roads of 1 in 16 gradient and conveyer are planned at the middle of the pit. Ultimate depth of the pit envisaged is 275 m from the surface/ground level.

- Assumed life of the mine is 45 years; therefore, dedicated long-term planning, simultaneous reclamation and rehabilitation for stabilizing internal dumps for short and long term should be formulated. Therefore, five yearly reclamation plans with definite target should be incorporated in the mine closure plan.
- One third of area acquired for mining is private land. Proposal may be inbuilt in the mine closure plan to bring back original topography and original land use to the extent possible through reclamation, which may mitigate impact on land use pattern.

ES 12.2 Efficacy of Kente Extension mine closure plan

Kente Extension coal block has been fully explored by drilling 137 boreholes for cumulative meterage of 14388.8 m. Density of bore hole is 8 per sq.km. Total geological reserves estimated is 410.25 million tons, of which 323.70 million tons (79%) are minable. It is reported that coal seam IV A has been developed locally on the northern part has average thickness of 1m with parting of 6 to 8m, however the coal seam has not been considered for estimation of resources.

- *Resources of the coal seam and economic feasibility of mining needs to be assessed in the interest of mineral conservation.*

Open cast and fully mechanized mining proposal are envisaged in Kente Extension Coal Block with envisaged production of 9 million tons per annum and life of the mine envisaged is 49 years with stripping ratio of 3.65 cum.

- *Developing mine pit for entire strike length of 3.7 km over a period of 49 years may result in huge land degradation for longer period. To minimize land degradation intensive mining may be emphasised instead of extensive mining, alternatively life of the mine may be reduced by increasing production level.*

Proposal has been inbuilt to have external dump accommodating 27.67 Mcum mine waste and the proposed height of the dump will be 60 m at the end of the life of the mine, **it appears that external dump will be active for entire life of the mine.**

- *It is suggested to stabilize external dump at the earliest and reclaim, subsequently mine waste may be accommodated in the internal dumps/ back filling alternatively external dump may be planned as retreating dumping method so that simultaneous reclamation can take place.*

ES 12.3 Efficacy of Chotia (sub block 2A and 2B) mine closure plan

Chotia mine has two sub blocks viz. Chotia 2A and Chotia 2B and the details are provided in the Chapter-3. These two coal blocks are situated 10 km apart. Mining operations planned in both the blocks through open cast and underground methods. Open cast mining operations in Chotia 2A have been completed and mining operations suspended from September 2016. Exhausted mine pit partly converted into water pond and remaining portion is being backfilled with flyash. However, presently planned to operate some portion of Chotia 2A under opencast mining from 2023-24 onwards.

- *The haul roads do not have one-way traffic, due to limited quarry area and also there is no sufficient width for two-way traffic and movement of light and service vehicles;*
- *Haul road within the pit for OB and coal haulage are quite steep (gradient more than 1 in 15 and at some places as 1 in 12) due to very limited area of operation in the quarry. Ramp/approach road to benches in OB is also found to be quite steep (1 in 10 to 1 in 12). It is to be maintained with relatively flat gradient.*
- *Road surface of approach road to mine benches and haul road is found to be quite rough/bumpy and undulating and need proper grading.*
- *Mine benches are not clearly maintained a lot of loose material is found to be lying on OB bench faces. All such loose material should be lifted/removed from mine benches to provide sufficient width for deployment of HEMM.*
- *Dust suppression within the mine for OB excavation, haul road for OB and coal and at waste dump (backfilling) is not found to be satisfactory and needs considerable strengthening.*
- Terracing (decking) has been done very systematically in the internal waste dump.
- Use of Personal Protective Equipment (PPE) is quite satisfactory except dust mask, which shall be made mandatory and monitored.
- *Lighting arrangement at the periphery of the pit as well as at operating benches appears to be inadequate as power supply to lighting towers is through DG Set and sufficient numbers of such lighting towers are not provided.*
- Computerized mine planning is adopted at Chotia OC Mine using 'Auto CAD' and 'Minex Software' for mine survey and calculating volume of OB removal, actual coal bench top and floor OB level. It is used by Geology Department for coal seam modelling and revalidation of borehole data earlier provided in geological report. *It is a very good practice and may be further strengthened when underground mining operations are planned.*
- Presently no mine water from the sump/void is discharged outside the ML area even during rainy season both from Chotia 2A (exhausted pit) and

Chotia 2B pit with the result of water quality in the vicinity is not getting adversely affected.

- *Chotia 2A OC Mine has exhausted and it has a very large sump with clean water. The mine area (sub-block area) has been fenced and not the quarry area. To avoid unauthorized entry towards sump area and possible accidents, the quarry area should be protected and fenced.*
- As per recent proposal (mining plan 4th revision) mine is likely to be operated by OC from 2023-24. Chotia 2B mine is likely to get exhausted for open cast mine operation by 2022-23. *Virtually there will be two underground mining in operations (may be connected by a drive/cross cut) in Chotia sub-block 2A and one underground mining operation in Chotia sub-block 2B, which needs to be planned very meticulously.*
- External dumps are close to Bango Reservoir backwaters, no protective measures adopted to arrest wash off and silting. Most of the OB dumps are active and not much attention has made to reclaim the dumps. Since the open cast operation of the Chotia 2B is likely to be completed by 2022-23, *it essential to implement all mine closure activities in respect of waste dump disposal, land reclamation and rehabilitation with suitable environmental protective measures.*
- Overall working condition of Chotia 2B coal block is not satisfactory and needs improvement in bench formation, haul road management and dust suppression system.
- *Chotia 2B coal block is likely to get exhausted for open cast mine operation by 2022-23 and proposed to undertake mining operations by underground mining method, which will less impact on land use and environment, which may be permitted to continue subject to conditions that present external dumps has to be stabilized, reclaimed and prevented from wash offs etc.*

ES 12.4 Other blocks

The detailed information on the Feasibility Report, Mining Plan, Mining Scheme, Mine Closure Plan, EIA/EMP reports for the rest of the 19 coal blocks were not available. **In the absence of technical inputs in field of exploration, mining and mine closure, no comments on these blocks could be offered.**

ES 13. EFFICACY OF TRANSLOCATED TREES

To comply with the FC condition, the PEKB mine authorities have translocated/transplanted mainly Sal saplings/trees falling under the girth class 20-60 cm from forest blocks and few other common species at various sites within mine lease in consultation with the State Forest Department (SFD). A total number of **8177** trees belong to **18** different species have been transplanted during the period i.e., 2012-2020. They have employed modern technology and a dedicated team in the

transplantation process with detailed pre-planning and post care for those trees translocated. The overall cost of transplantation has been worked out to **Rs 4,468/-** per tree excluding cost of technology and maintenance. The cost of nursery for raising the seed-based tree species is **Rs. 30/-** per seedling.

- Sal (*Shorea robusta*) and Mahua (*Madhuca longifolia*) trees having girth class of 20-60 cm together with other tree species having aesthetic & economic values have been transplanted. The Standard Operating Procedure (SoP) followed by the mine lessee is confined to suggestion by the SFD such as specific girth class of trees, site identification for translocation, pre-planning, post care for translocated trees and gap filling to replace dead trees.
- The translocated trees have been planted at random. Lack of documents/records on girth class, site characteristic, systematic translocation symptoms due to transport, damage during transport, growth pattern at translocated sites, new foliage growth, death, insect/termite/disease attack, etc., were the major constraints to assess the efficacy of translocated trees in different sites, except for the survival.
- Translocation sites were within the PEKB mine lease area. Used *Trans-Planter Model-100d* machine along with adequate manpower for uprooting, transport and planting. Only few precautions were followed during transplanting and post-care such as pruning of branch to avoid any damage while transporting, planting of the uprooted trees on the same day, re-planting of the trees in the treated pit with fertilizers/pesticides/fungicides, watering at regular intervals, monitor for survival and gap filling for the dead one at few places either with Sal or *Pongamia* (Safety zone) or Neem (Front of Mahua Dev dump site). This was a major impediment for the team to assess the performance of the transplanted trees.
- Therefore, the efficacy assessment made by ICFRE team is confined to survival and health status of the translocated trees in 16 different translocated sites in PEKB coal mine lease area.

ES 13.1 Recommendations

- The survival rate at few places are significant, however overall, it is poor due to lack of monitoring in terms of follow-up activities after planting like pest/disease surveillance, recording of growth measurements and replacement of dead trees, etc.
- Species and site specific Standard Operating Procedures (SoP) needs to be framed by the State Forest Department (SFD) for local species (Sal, Tendu, Char, Mahua, etc.,) for translocation of forest trees species.
- It is further suggested that a long-term site-specific scientific study for suitability assessment of indigenous species of HAC shall be undertaken by the SFD in association with the coal block in operation to assess the success rate and to develop species specific SoP.

ES 14. COAL RESOURCES

India is second highest and largest coal consuming country in the world and consuming about 11% of world production, however the per capita consumption is lowest among top 10 coal consuming countries. The coal production in India was reported with 24% shortage for the year 2017-18; and 26% shortage for the year 2018-19 against the internal demand. Import of coal during the same period substitute to 23% and 24% for the years 2017-18 and 2018-19 respectively indicating for accelerating the production to fill gap between demand and supply. However, it is important to note that USA produces coal about 25% lesser than India but consumes electricity about 40% higher than India. Similarly, Japan is 6th highest coal producer and third highest consumer of electricity.

- It is pertinent to mention that the *coal production and electricity consumption pattern indicates that the worldwide coal alone is not considered as energy mineral, alternately other source of energy like shale gas, green energy (solar and wind energy) and atomic energy are to be tapped to meet energy requirement by 2022. India too is targeting a fivefold expansion of the electricity generated from renewable energy sources by 2030.*

The coal mineralization in Korba Coal Fields exists up to 600 m depth from the surface therefore underground mining for such deep deposits adopted; whereas

- *coal mineralization in Hasdeo-Arand Coalfield persist up to a depth of maximum 250 m from surface and partings between two coal seams do not exceed 25 m, therefore feasibility in terms of economic and environmental stability shall be explored in case of any underground mining is recommended for sustainable development in HAC.*

ES 15. BIODIVERSITY CONSERVATION AREA

To address the concept of sustainable development in Hasdeo-Arand Coalfield (HAC), the present study involving spatio-temporal assessment of important biodiversity attributes conducted during 2019-2021, has contributed to integrate the cumulative impacts of mining due to 23 coal blocks, keeping in view the large-scale changes envisaged in the open cast type of coal mining in the central Indian moist-dry deciduous Sal dominated forest tracts. Under the long-term and high-intensity development of open cast coal mining, biodiversity and ecological integrity is a concern of great importance, as it involves large scale land use land cover changes leading to shrinking of forest quality/quantity and alteration of hydrological regimes.

The spatio-temporal baseline data on biodiversity and ecology of the entire HAC, have therefore, contributed to significant findings in terms of delineating the impacted areas in the face of vulnerability in many respects and identifying the potential areas to be suggested for conservation and management. Based on the cumulative impacts

envisaged out of the study on various environmental attributes, **Biodiversity Conservation Area (BCA)** are suggested in HAC as described below:

ES 15.1 Biodiversity and Social value of HAC

In India, the sub-tropical Sal dominated forest is covering an area of almost 10.57 million ha and that lies in the Himalayan foothill belt in Kangra region of Himachal Pradesh, north-western region in Uttarakhand, Uttar Pradesh, Bihar, Jharkhand, and foothills of north-west Bengal in north-central region; extends up to the Assam valley (including Meghalaya and Tripura) in the north-eastern Himalayas; Madhya Pradesh, Chhattisgarh, and Orissa in central region (Orwa *et al.*, 2009; Adhikari *et al.*, 2017). According to ISFR (2015) the naturally occurring Sal forest in Siwaliks, Gangetic plains and central India occupies about 13.6%, 2.2% and 8.9% of the total geographical area respectively (Figure ES.2). During last three decades, the Sal forests in India have witnessed increasing anthropogenic pressure of various magnitudes, resulted in habitat destruction, fragmentation of its native range, the regeneration problems, etc.

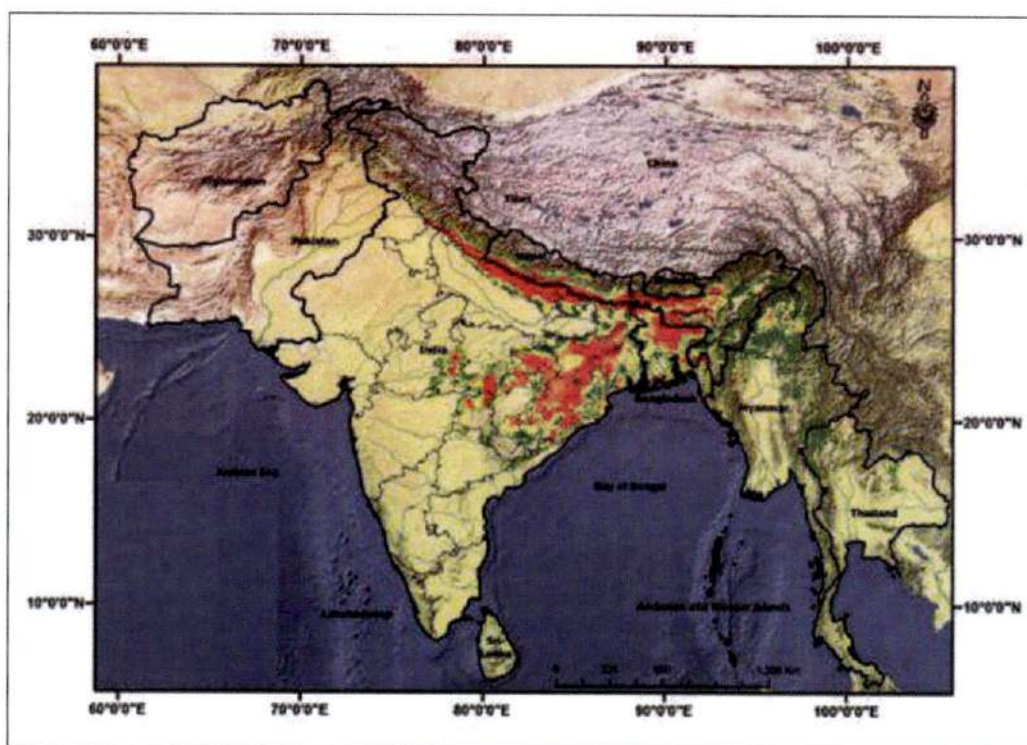


Figure ES.2: The area under Sal (*Shorea robusta*) distribution in the Indian Sub-continent (Source: Mishra *et al.*, 2021)

The area under Sal forest is most affected owing to various developmental efforts and as a result, these forests are considerably fragmented and the fringe effects are well known. In addition, the dependence of traditional forest dwelling communities on Sal forests for their livelihood such as for NTFPs, fuel wood and fodder, forage ground of domestic animals, etc., are well prominent.

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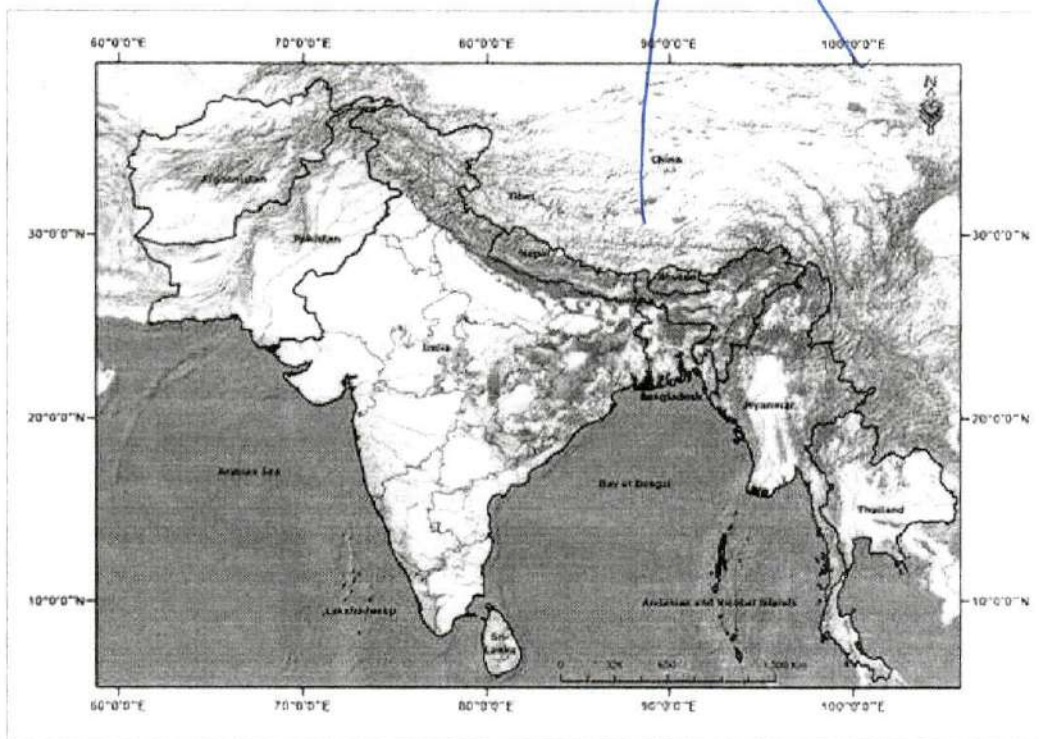


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Ever since the formation of Chhattisgarh state in the year November, 2000, the exploitation/sustainable utilization of mineral rich areas falling within the forests in its jurisdiction reported to face various challenges. The HAC (1879 sq.km) in Chhattisgarh is the third largest coal bearing area (5529 MT) which is about 9% of the coal of the state falling within the largest un-fragmented forests in central India consisting of pristine Sal and teak forests, outside the protected area network, and an important habitat for indigenous forest dwelling tribal communities and large mammals.

The large forest area under HAC with its amalgamated varied landscape/habitats like very dense forests, moderately dense forests, open forests, scrub land and riparian tracts supports rich and diverse floral and faunal components. Out of the total area under HAC (1879.6 sq.km), moderately dense forest occupies about 61.6% (1158.04 sq.km) followed by very dense forests of about 6.74% (126.72 sq.km). There are five forest types under the moist and dry deciduous forests classes observed to occur in the area characteristic to HAC (1400.95 sq.km).

The study observed maximum dominance (based on high IVI) of *Shorea robusta* followed by *Diospyros melanoxylon* and *Madhuca longifolia* var. *latifolia* in HAC indicating the high regeneration capacity and greater ecological amplitude as compared to the operating PEKB and its surrounding coal blocks. Also, the stand density recorded for trees, shrub and herbs in PEKB and surround coal block recorded low as compared to the HAC indicating selective removal of lower girth class individuals in and around the operating PEKB coal block. The area under operating coal block (PEKB) and the other three contiguous coal blocks was observed with medium diverse in case of trees, indicating the overall impact due to opencast mining and allied activities in PEKB.

- Overall, the ecological processes of Sal forest in the HAC area the stand density clearly show rich diversity at the ground level, but decreasing diversity with shrub, and ultimately dominated with Sal at the top canopy. Sal ecology favours a mixture of shrub species and saplings at lower level consisting of NTFPs on which the forest fringe villagers and the large mammals are dependent for livelihood and forage respectively.
- The livelihood of local communities Hasdeo-Arand area is closely dependent on forest resources and therefore the current anthropogenic disturbance is confined to the population living in forest fringe villages for NTFPs from the forests, revenue land /forest and riparian land for agriculture purpose for their sustenance and fuel wood/fodder from forest.
- The HAC landforms are also home for rich avi-fauna and large mammals. Currently the occurrence of elephant in HAC (CSFD, 2018-19) are highly fragmented and degraded due to incompatible land use. In addition, there is continuous dispersal of elephant herd from the neighbouring states of Jharkhand and Odisha. The study carried out by WII in association with

Chhattisgarh Forest Department since 2017 clearly indicates that elephants have large home range based on the quality habitat.

- The whole of HAC landscape comprise of 647 forest compartments spread over 12 forest ranges in 4 forest divisions. Of the 647 forest compartments, elephant occurrence is recorded in 148 compartments during the period 2018 – 2020 in all the 12 forest ranges located within HAC. Elephant occurrence is not limited to any particular part of the landscape, however it spread across in HAC landscape and surrounding.
- Home range size is a function of habitat quality- in areas that support good intact habitats, the elephant home ranges are relatively small. The study conducted by WII in collaboration with Chhattisgarh Forest Department reported that the elephants have large home ranges. Because, the forests where the elephants currently occur are highly fragmented and degraded due to incompatible landuse. Therefore the elephant herds are generally interlinked to home ranges resulting in continuous dispersal of elephant herds from the neighbouring states of Jharkhand, Madhya Pradesh and Odisha.
- The large home range results in human-wildlife conflict – in the form of crop, property and livestock losses is also a major concern.

The estimated average monthly income was Rs. 7195/- out of which Rs. 1432/- from forest, Rs. 2365/- from agriculture and Rs. 3396/- from secondary sources such as labor in agriculture, etc. It is evident that there are 142 revenue fringe villages having 1.25 million population within HAC dependent on agriculture and forest produce for their livelihoods. For example, during the 2019 season Tendu leaves removal from HAC have accounted for Rs. 80 million indicating the rich resources and dependency on the forest produce by the local community.

ES 15.2 Proposed Biodiversity Conservation Area (BCA)

The major part of HAC area forms the watershed of the Hasdeo-Bango reservoir on the Hasdeo River, which is a tributary of the Mahanadi River. A relatively smaller part of the HAC area is drained by Rehar River, part of the lower Ganges Basin. The major streams of HAC are of perennial in nature and are very important in maintaining the ecological services of the landscapes.

The entire HAC falls primarily within the three watersheds viz., **Gej-Jhink (north), Chornai (south) and Ton-Teti (west).**

- **Chornai watershed** contributes the maximum flow into the **Hasdeo-Bango Dam**. Also, the area under the **Chornai watershed** assumes greater importance particularly of its driange density and forest cover in both upstream/downstream areas where thirteen (13) coal blocks are located. The forest and lanscape within the Chornai watershed observed to contibute significant hydrological flow to the Hasdeo-Bango reservoir. In addition, relatively high rainfall in the area observed to enhance the rich and varied forest as well as riparian ecosystems.

- The cluster of four open cast coal blocks i.e., Kente Extension (12), Parsa (13), PEKB 14 & Tara (15) and other two contiguous blocks i.e., Sarma (20) and Laxmangarh (21) are on the **Gej-Jhink watershed** with Atem Nadi and its headwater feeder streams flowing towards north. The cumulative impact of land use land cover changes due to these coal blocks will have influence of magnitude on the forest ecosystem and the Hydrology considering the quite larger area under peril.
- The area under indetified coal blocks falling within the **Ton-Teti watershed** are quite significant in terms of its proximity to the Hasdeo River, which is running west of these coal block cluster and the Hasdeo-Bango reservoir. In addition, the vegetation density and the stream networks are much significant in the area downstream to these catchments (Figure ES.3).

The proposed coal blocks falling within both the Chornai as well as Ton-Teti watersheds of the Hasdeo-River sub-basin, are as given below:

Sl. No.	Coal Block (No.)	Relative Occupancy (%) in Watersheds (approx.)	
		Chornai	Ton-Teti/Other streams
1	Nakiya-I, II & III (1)	100	--
2	Morga-I (3)	--	100
3	Morga-II (4)	--	100
4	Morga-III (5)	--	100
5	Morga-IV (6)	--	100
6	Morga South (7)	50	50
7	Gidmuri (8)	100	--
8	Paturia (9)	10	90
9	Madanpur North (10)	--	100
10	Madanpur South (11)	--	100
11	Putta Parogia (16)	70	30
12	Parogia (17)	100	--
13	Saidu (18)	100	--
14	Pindraki (19)	100	--

Open cast mining in the moderately dense and very dense sal-forested (moist-dry deciduous) sub-basins of the Hasdeo River in HAC is of great concern. The resultant land use land cover changes on account of open cast coal mining of this magnitude in the relatively moderately dense forest tracts intersected by numerous water courses will most likely to have significant cumulative impacts in terms of alteration of drainages and hydrological regime, *etc.*, mainly due to reduced stream water flow, increased erosion due to high rainfall in the area, increased sediment deposition on the river beds, reservoirs and other related environmental issues.

- Deterioration in the quality and quantity of surface water is of great concern and is most likely to increase further with the expansion of mining. The drainages are mainly comprising of primary and secondary feeder streams that fall within the

core and buffer zone of the coal blocks and are likely to be severely affected due to retention, flow restriction, low discharge, reduced channel morphology, etc.

- Presently, two coal blocks such as Parsa East & Kanta Basan (PEKB 14) and Chotia (2A & 2B) are in operation. The land use land cover changes in terms of forest cover changes due to mining in operational coal blocks of PEKB and Chotia 2A is quite evident. Therefore, cumulatively, mining, if allowed in all the coal blocks identified, will contribute to a total loss of moderately dense forest (233.44 sq.km) and very dense forest (66.30 sq.km).
- In terms of occurrence of coal blocks within HAC, PEKB coal block is in contiguous with Tara (15) and Parsa (13) on the western side (draining to Gej-Jhink watershed); Kente Extension (12) and Pindraki (19) on the eastern side i.e., largely draining to Chornai (Figure ES.4). In addition, it is in contiguous with 10 other coal blocks of a large cluster south-westerly i.e., Morga-I (3), Morga-II (4), Morga South (7), Gidmuri (8), Paturia (9), Madanpur South (11) Madanpur North (10), Puta Parogia (16), Parogia (17), Saidu (18).
- Wildlife Institute of India has reported the occurrence of large mammals especially elephant in some of the prime biodiversity rich locations. It is evident that this area supports rich biodiversity with a multitude of mammalian species including tigers and harbours forest-dependent communities and therefore sustaining the forest cover to maintain its overall ecological integrity are essential pre-requisite for the overall wellbeing of the area. Therefore, WII has suggested:
 - *It is pertinent that the Chhattisgarh State Forest Department may identify the areas for declaration as Conservation Reserves with due consultation and involvement of local communities and all other relevant stakeholders. Under the ambit of a conservation reserve, habitat improvement activities such as restoration of grasslands and degraded forests; improving surface water availability for wildlife in relatively drier tracts during summer, regulating forest fires, and improving overall protection can benefit wildlife.*

Considering the rich forest cover, floral biodiversity (640 plants species), occurrence of 33 Rare, Endangered and Threatened (RET) plant species and the different watersheds contributing the hydrological regime/hydrological flow; habitat for the fauna particularly mammals with large home ranges that is known to have established connectivity with proposed 'Lemru Elephant Reserve' and livelihood dependence on non-wood forest products by the traditional forest dwelling community, the **ICFRE suggests Biodiversity Conservation Area** comprising of 337 forest compartments (938 sq.km) in Chornai watershed ; and 140 forest compartments (330.51 sq.km)in Ton-Teti watershed, where 14 proposed coal blocks are located, for a sustainable development and conservation (Figure ES.5 – ES.7),

Further, keeping in view, the demand for coal and thereby, socio-economic and industrial development of the area under consideration for mining, it suggested that:

- The allotted four contiguous coal blocks falling within the Gej-Jhink watershed viz., Tara (15), Parsa (13) PEKB (14) & Kente Extension (12) that are either already opened or in advance stage of getting the statutory clearances/ToR approved, **can be considered** for mining with strict environmental safeguards including appropriate conservation measures for management of surface water and biodiversity.
- The total extent of 4 coal blocks of Tara, Parsa, PEKB, Kente Extension put together comprises of 80.95 sq.km, having a mineable reserve of 1143.49 MT (geological reserve of 1475.81 MT) to meet the coal requirement from HAC.
- However, mining in Kente Extension (12) **may be decided appropriately** with strict environmental safeguards pertaining to surface water management and biodiversity conservation measures, considering the presence of relatively more very dense, moderately dense forest cover and wildlife occurrence, particularly, elephant movements. In addition, the MoEF&CC vide letter No. J-11015/48/2019.II(M) dated 8.01.2020 issued ToR for conducting EIA/EMP studies as this coal block is allotted through auction process to M/s. Rajasthan Rajya Vidyut Utpadan Nigam Limited (RVUNL) and as per the condition No. 4(i) of the ToR, MoEF&CC has mandated to conduct Carrying Capacity study.
- A total of 337 forest compartments covering an area of 938 sq.km in Chornai watershed and 140 forest compartments covering an area of 330.51 sq.km in Ton-Teti watershed are suggested for **Biodiversity Conservation Area (BCA)** (Annexure 10.1; Individual forest compartment wise details falling within the Biodiversity Conservation Area of Hasdeo-Arand Coalfield, Chhattisgarh are provided in Chapter-10 of main report Volume-I).
 - However, a part of BCA comprising of two forest compartments No. P2114 and P1998 that are falling within PEKB operational mine and allotted Parsa coal block are suggested to be exempted from BCA.
- There are two contiguous coal blocks such as Sarma (20) and Laxmangarh (21) covering a total extent area of 41.82 sq.km with 10.53 sq.km under moderately dense forest (0.91% out of 1158.04 sq.km) and a relatively smaller area of 0.04 sq.km under very dense forest (0.04% out of 1158.04sq.km) falling within the Gaj-Jhink watershed (upstream of Atem Nadi).
- Both Sarma (20) and Laxmangarh (21) coal blocks were observed to have high level of anthropogenic pressures and degraded forest due to extensive agriculture and allied activities and its close affinity/proximity to Udaipur – the tehsil headquarters, under Surguja district.
- Also, the other two contiguous coal blocks i.e., Bhakurma-Martinga (22) and Kedma (23) covering an extent of 44.95 sq.km with 27.15 sq.km area under moderately dense forest (2.34% out of 1158.04 sq.km) and 5.83 sq.km area under very dense forest (5.83% out of 1158.04 sq.km) falling within Rehar watershed (at upstream).

- These four coal blocks viz., **Sarma (20), Laxmangarh (21) falling in Gej-Jhink watersheds; Bhakurma-Martinga (22) and Kedma (23) falling in Rehar watershed**, as per the information received from CMPDI are only regionally promotionally explored and the boundary demarcation is yet to be carried out
- Hence mining in the identified four coal blocks viz., **Sarma (20), Laxmangarh (21), Bhakurma-Martinga (22) and Kedma (23)** may be kept in abeyance till complete exploration and boundary demarcation is finalized; and the detailed assessment of the catchment and drainage networks of the Rehar River as well as the prominent agriculture activity are made to understand the impact.

Overall, 14 projects, falling within both the Chornai (8) and Ton-Teti (9) watershed **may be not recommended** for mining keeping in view of conserving the relatively dense moist-dry deciduous sal dominated forest tracts that provide home range for elephant ; these forest are also intersected by dense stream channels of the higher order characteristic to the Chornai watersheds and considerable area under the coal blocks with relatively dense forests being influenced by the Hasdeo River/ Hasdeo-Bango Dam characteristic to the Ton-Teti watershed.

- Based on the compliance condition stipulated in the Environmental Clearance (vide letter No.J-11015/03/2008-1A.II(M) dated, 21.12.2011) a 75 km dedicated Railway corridor of South East Central Railway (SECR) connecting Surajpur Railway Station on Bilaspur - Ambikapur to pit head of PEKB mine has been commissioned in April 2018. The same may be utilized by the adjacent coal blocks in the cluster. The coal transportation through the dedicated railway corridor from these coal blocks will likely to reduce the impacts of mining and transportation on the environment and human health.
- In addition, it is also recommended that a cumulative impact assessment of all the coal blocks mining on environment or a carrying capacity study involving physical, biological, social environment w.r.t. developmental intervention of the entire HAC shall be carried out for decision making and to achieve sustainable development.

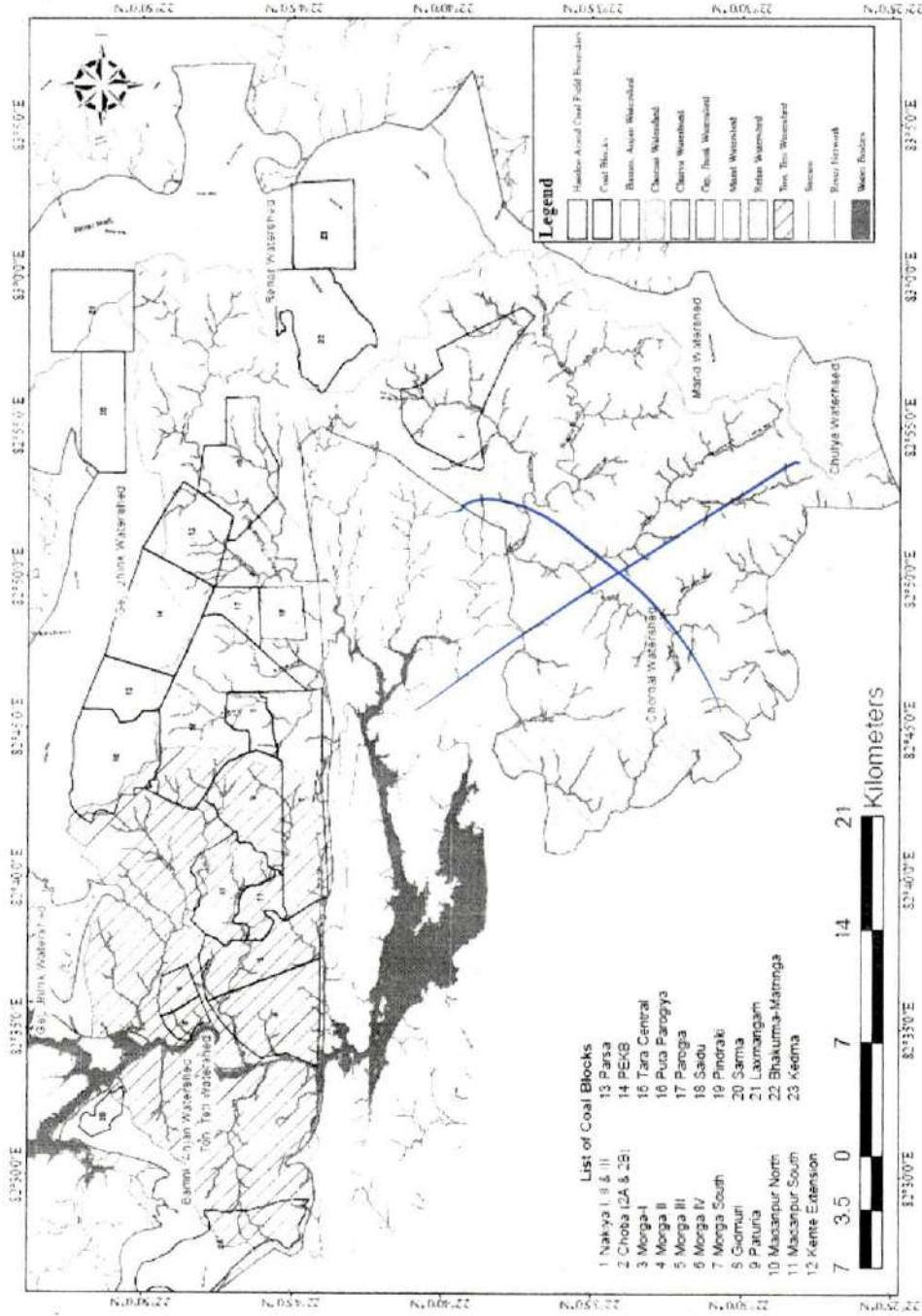


Figure ES.3: Map showing the Chornai and Ton, Teti watershed areas and drainage networks in Hasdeo-Arand Coalfield, Chhattisgarh

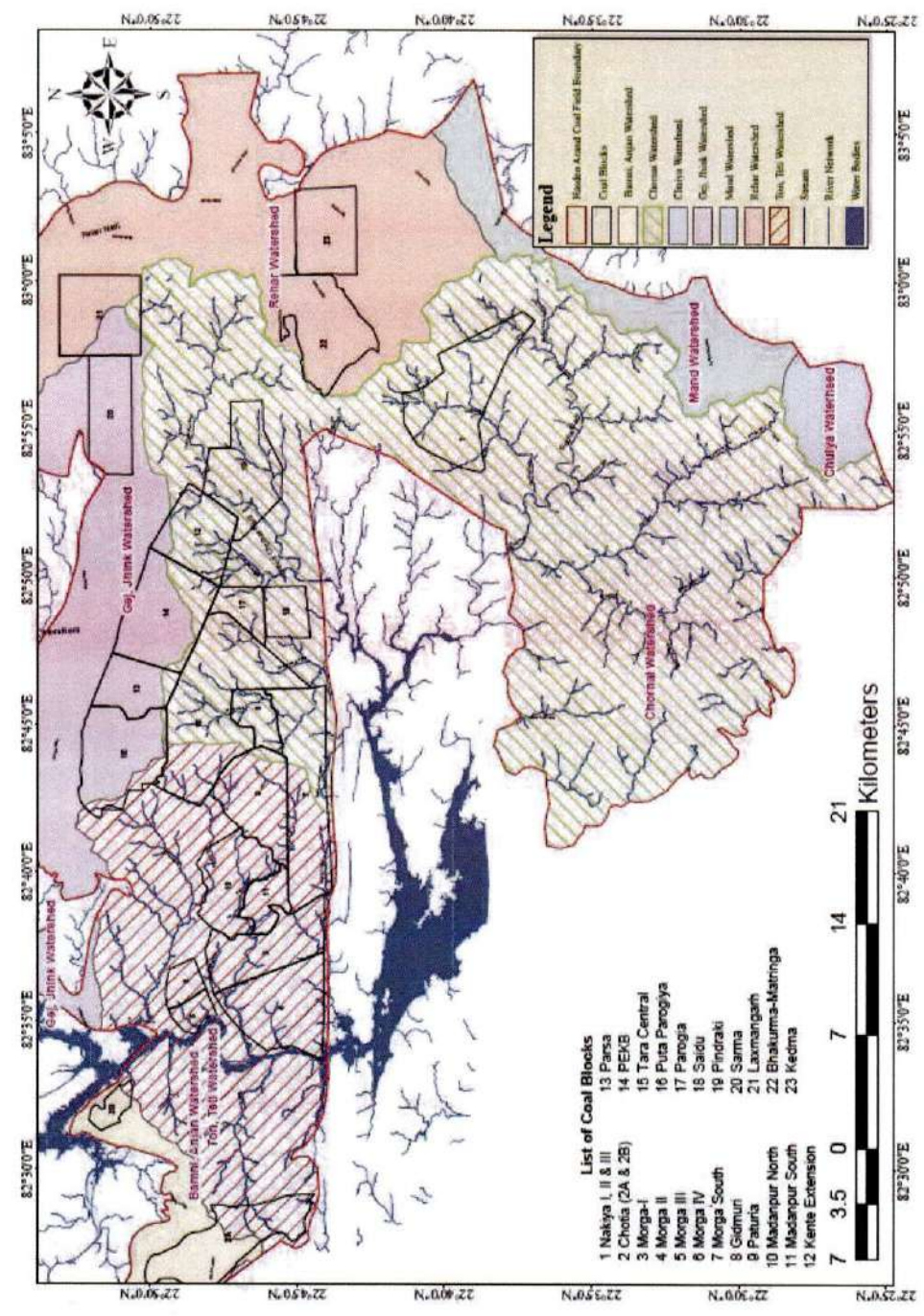


Figure ES.3: Map showing the Chornai and Ton, Teti watershed areas and drainage networks in Hasdeo-Arand Coalfield, Chhattisgarh

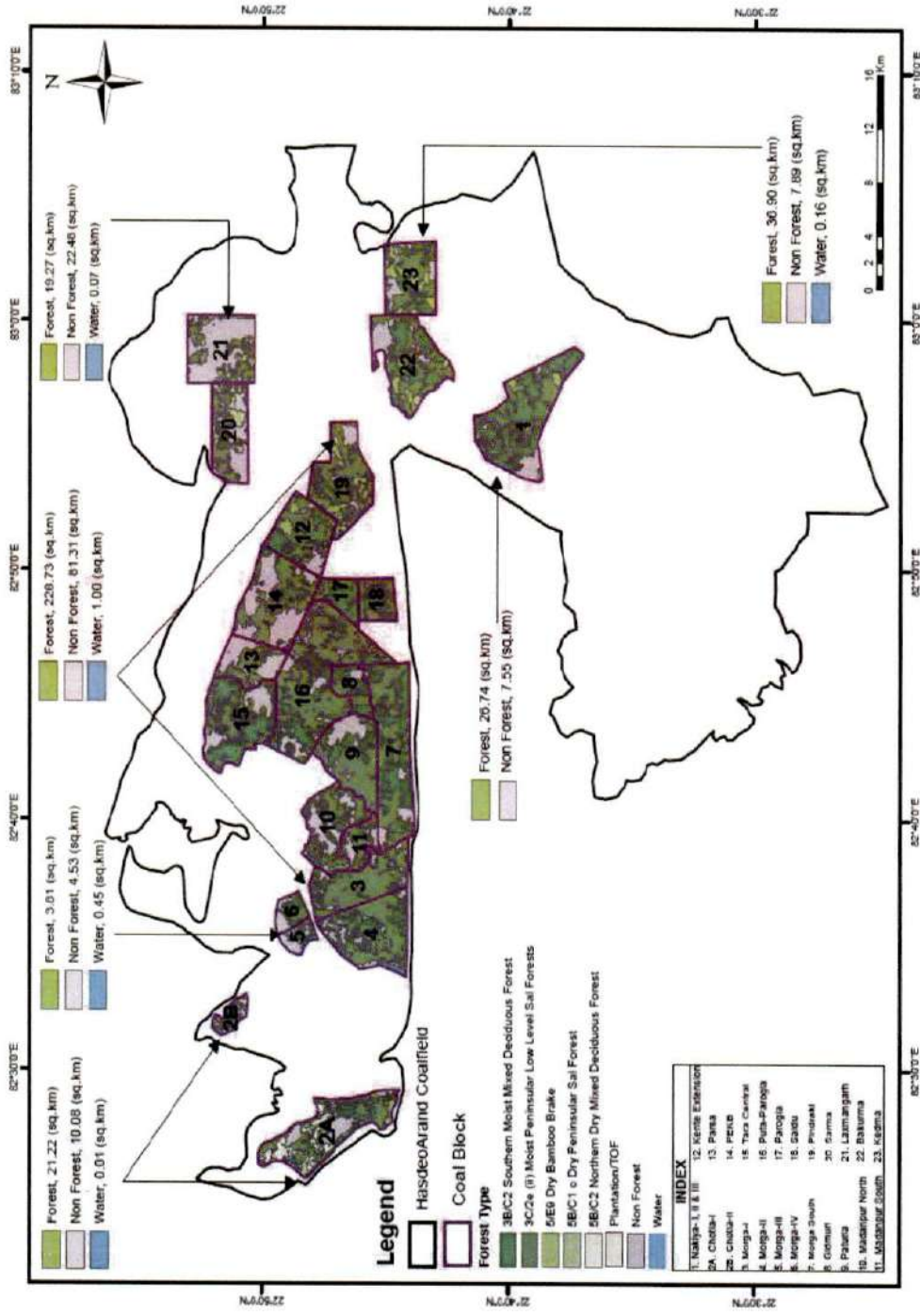


Figure ES.4: Map showing the cluster-wise estimated area of forest type, non-forest, water and to be impacted due to mining in Hasdeo-Arand Coalfield in Chhattisgarh

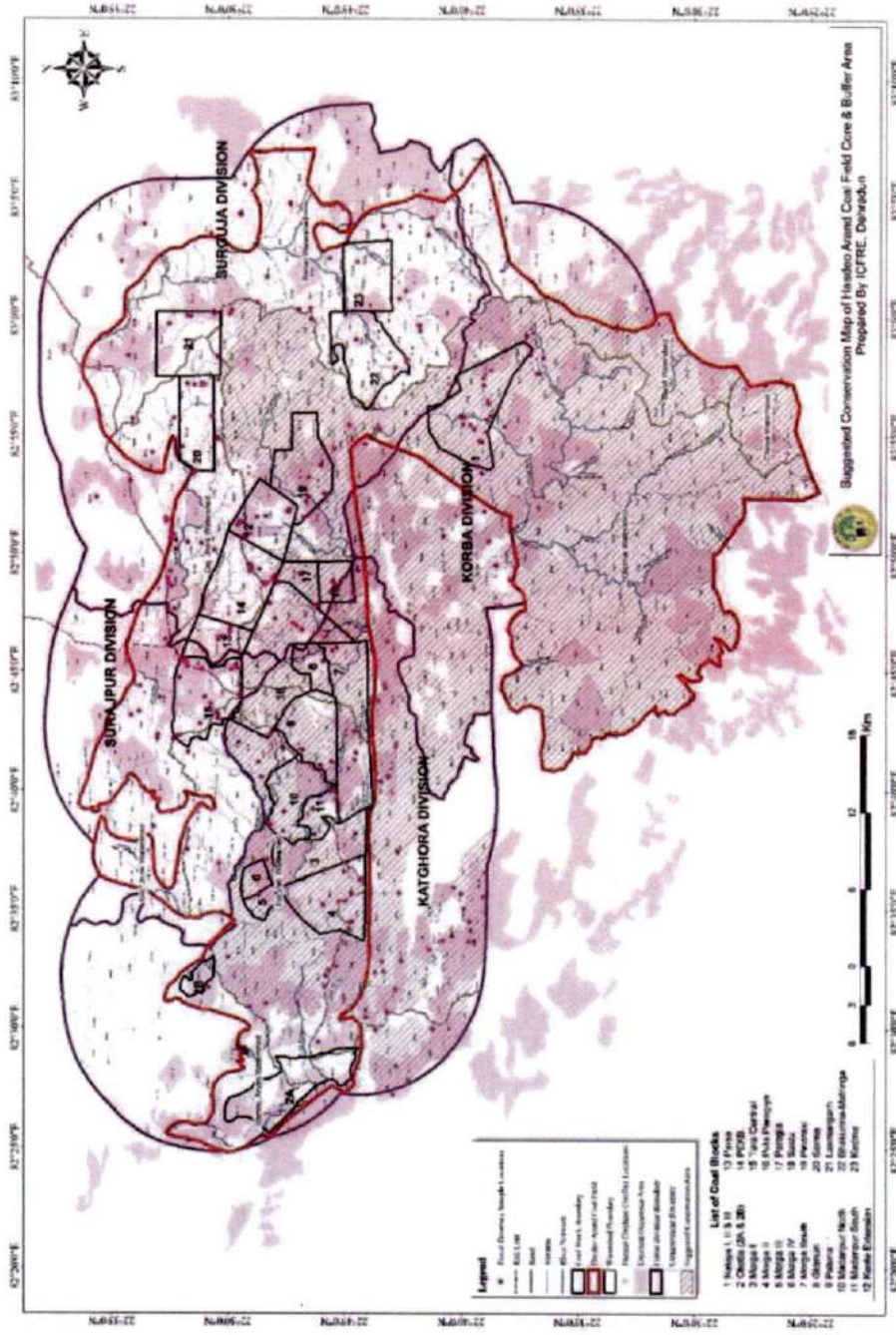


Figure ES.5: Map showing the drainage, elephant occurrence and suggested Biodiversity Conservation Area within the Hasdeo-Arand Coalfield in Chhattisgarh

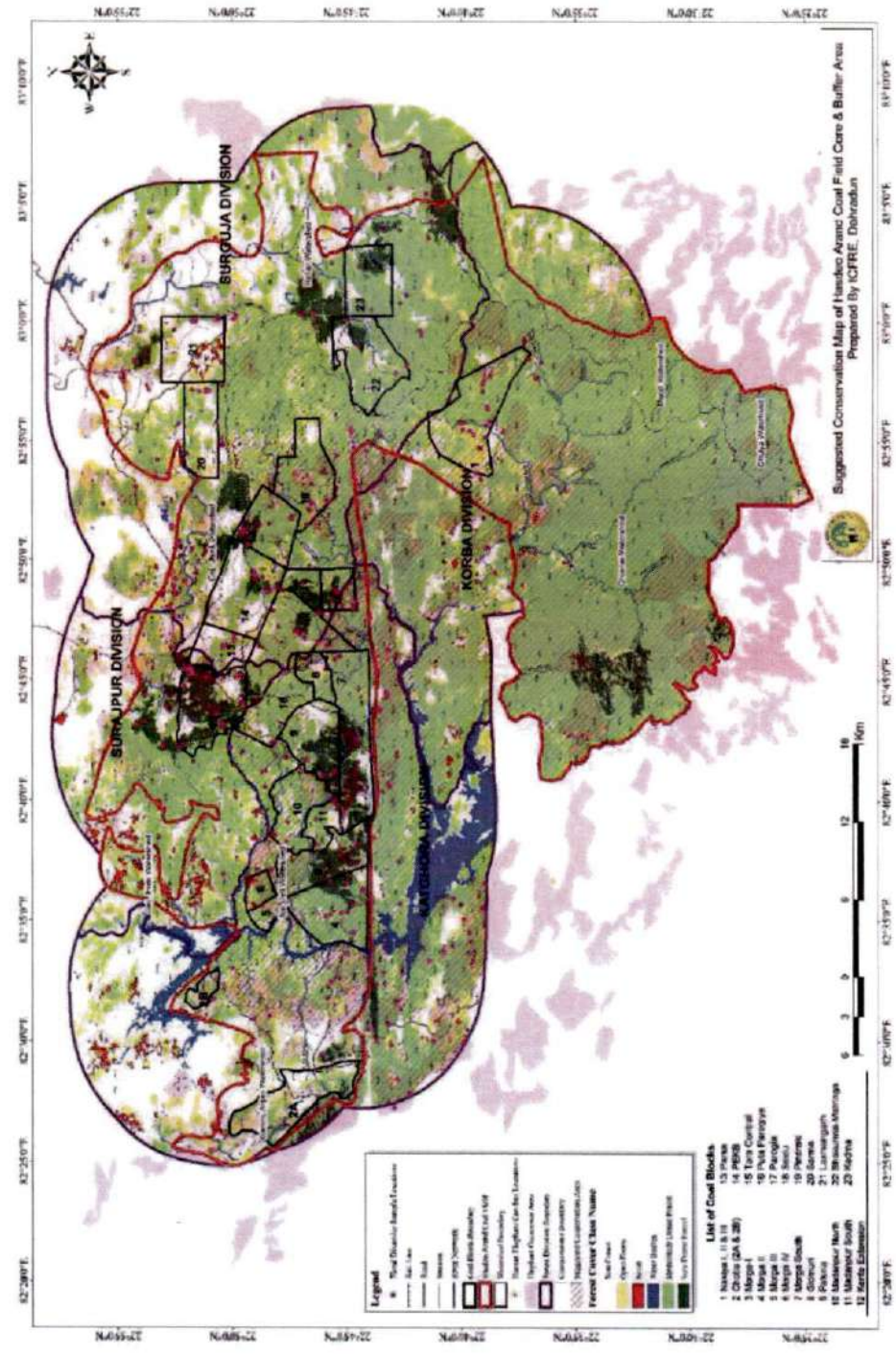


Figure ES.6: Map showing the forest cover and suggested Biodiversity Conservation Area within the Hasdeo-Arand Coalfield in Chhattisgarh

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Biodiversity assessment study in the whole Hasdeo-Arand Coalfield, Chhattisgarh

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538194/2021/FC

Legend

- Coal Block Number
- Suggested Conservation Area
- Forest Compartment
- Coalfield Boundary
- Division Boundary
- Suggested Conservation Area

List of Coal Blocks

1	Narayan I, II & III
2	Chakra (G.S.S. 28)
3	Chakra
4	Marga I
5	Marga II
6	Marga III
7	Marga South
8	Phulga
9	Phulga
10	Mandrapur North
11	Mandrapur South
12	Kaali Extension
13	Phulga
14	Phulga
15	Phulga
16	Phulga
17	Phulga
18	Sakela
19	Phulga
20	Phulga
21	Phulga
22	Bhadrachal-Mandrapur
23	Korba

Suggested Conservation Map of Hasdeo Arand Coal Field Core & Buffer Area
Prepared by ICFRE, Dehradun

Figure ES.7: Map showing the forest compartments and suggested Biodiversity Conservation Area within the Hasdeo-Arand Coalfield in Chhattisgarh

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ES 16. QUERIES OF THE PRINCIPAL BENCH OF NATIONAL GREEN TRIBUNAL (NGT) ALONGWITH THE JUDGMENT ISSUED ON 24.03.2014 TO MOEF&CC

Queries of National Green Tribunal (NGT)	Observation /Comments
1. What type of flora and fauna in terms of biodiversity and forest cover existed as on the date of the proposal in PEKB coal blocks.	<i>The pre-mining data on biodiversity are available in the EIA/EMP study report (as on December, 2016 for the PEKB Coal Block). However, the present study (2019-2021) in terms of floral and faunal biodiversity, forest cover and forest types for buffer area of PEKB and adjacent are detailed under the respective chapters.</i>
2. Is/was the PEKB coal block habitat to endemic or endangered species of flora and fauna.	Yes / was -the PEKB coal block habitat to rare, endangered and threatened flora and fauna. RET floral species observed in PEKB consists of <i>Aegle marmelos</i> , <i>Aristolochia indica</i> , <i>Drosera indica</i> , <i>Drosera burmanni</i> , <i>Uraria picta</i> and <i>Premna herbacea</i> RET faunal species - sloth bear (<i>Melursus ursinus</i>), four-horned antelope or Chousingha (<i>Tetracerus quadricornis</i>).
3. Whether the migratory route /corridor of any wild animal particularly elephant passes through the area.	<i>Elephant occurrence was reported in 148 out of 647 forest compartments in HAC and surrounding landscape during the period 2018 to 2020 by the State Forest Department. A conservative estimate of about 40 to 50 elephants could use different parts of the landscape at different times of the year. The HAC and the surrounding landscape are part of the elephant range in northern Chhattisgarh and serves as both habitat and corridor for movement.</i> <i>The Korba Forest Division had reported the occurrence of tigers in the vicinity of HAC and the surrounding landscape. The habitat connectivity between Hasdeo - Arand area and Achanakmar Tiger Reserve, Boramdeo Wildlife Sanctuary and Kanha Tiger Reserve is strong, and may support sporadic tiger dispersal.</i>
4. Whether the area of PEKB Block has that significant conservation /protection value so much so that the area cannot be compromised for coal mining with appropriate conservation /management strategies	<i>Presently as per FSI (2017) the PEKB coal block has 9.11 sq.km area under moderately dense forest and 2.56 sq.km area under very dense forest. Shorea robusta is recorded to be dominant followed by <i>Diospyros melanoxylon</i>, <i>Madhuca longifolia</i>, etc., contributing to the highest IVI values. The diversity index value is low in both core and buffer area due to open cast mining operation disturbance.</i>

	<p>Therefore, it is suggested that the mining in PEKB may be allowed and to be continued with strict compliance / implementation of EC/FC conditions (detailed Reclamation and Rehabilitation plan, compliance to EC/FC and the observations/comments/recommendations made in this report under mine closure plan, sequential mining, biodiversity conservation, etc.)</p>
<p>5. What is their opinion about opening the PEKB coal block for mining as per sequential mining, reclamation methods proposed for regeneration of the flora; efficacy of mine closure plan and the tree translocated:</p>	<p>Detailed observations pertaining to opinion for PEKB coal block is provided in Chapter 8 of this report for sequential mining reclamation and rehabilitation of the flora in the mine lease area and efficacy of tree translocated trees.</p>
<p>6. What is their opinion about the Wildlife Management plan finally prescribed?</p>	<p>The wildlife management plan is a legal document prepared for management of the notified protected areas under the Indian Wildlife (protection) Act, 1972. Since HAC is not a protected area, hence, the term wildlife conservation plan is more appropriate in this context. The wildlife conservation plan of Parsa East and Kanta Basen open cast coal mine and washery project prepared by the project proponent is basic and generic in nature. Due to this, it requires substantial revision and the management prescriptions need to be spatially explicit and closely consider the ecological, behavioural and social dimensions of the landscape. A detailed review of the same was carried out and specific comments to improve the plan have been provided in Annexure I of WII report enclosed as Volume-II.</p>
<p>7. What conditions and restriction do they propose on the mining in question i.e., sequential mining, if they favour such mining?</p>	<p>ICFRE- Suggestion and recommendation for further improving the mining environment in PEKB coal block are detailed in the Chapter 3 and 8 of this report WII- As certain portions of the PEKB coal block has already been opened for mining, the mining operation may only be permitted in the already operational mine of the block.</p>
<p>Answer to the above questions Sl. No. 1 – 3 are addressed in detailed in the Chapter-4, Chapter-5 and Chapter-6; question Sl. No. 4 pertains to compliance are discussed in the Chapter-4 floral diversity, Chapter-5 faunal diversity, Chapter-6 aquatic diversity and chapter -7 socio-economic vis-à-vis biodiversity values, question Sl. No. 5 related to efficacy of mine closure plan are detailed in Chapter-8, efficacy of translocated trees in Chapter-9 and sequential mining in Chapter-8 of this report.</p>	



IN THE HON'BLE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 4395 OF 2014
&
WRIT PETITION(C) NO. 371 OF 2019
&
SPECIAL LEAVE PETITION(C) NO. 18103 OF 2022

IN THE MATTER OF:

Rajasthan Rajya Vidyut Utpadan Nigam Limited

...Appellant

V/S

Sudiep Srivastava & Others.

...Respondents

AFFIDAVIT ON BEHALF OF THE UNION OF INDIA, MINISTRY OF
ENVIRONMENT, FOREST AND CLIMATE CHANGE, NEW DELHI.
(RESPONDENT NO. 3)

PRELIMINARY SUBMISSIONS:

I, Charan Jeet Singh, son of Late Sh. Pritam Singh, aged about 43 years,
working as Scientist 'D' at the Indira Paryavaran Bhawan in the
Ministry of Environment, Forest and Climate Change at New Delhi do

hereby solemnly affirm and state as under:



1. That I am duly authorized to swear this affidavit as such conversant with the facts of the present case and competent to swear the present affidavit.
2. That I am making the present affidavit on the basis of the records maintained by the Respondent No. 3 in its normal course of business and the same are true and correct.
3. That the answering Respondent has previously filed affidavits dated 15.04.2019, 25.04.2019, 07.05.2019, 15.07.2022, 19.02.2021, 02.11.2022 in the captioned matters. The contents of the said affidavits may be read together with the present affidavit.
4. It is respectfully submitted that the present affidavit is being filed in compliance of order dated 13.04.2023 of this Hon'ble Court whereby this Hon'ble Court issued the following directions,

"We direct the Union of India to file a comprehensive affidavit indicating the status of all matters. This shall be carried out within a period of two weeks"

5. A chart containing the status of all the matters herein is annexed herewith as "**Annexure-I**".

6. It is pertinent to mention that the answering Respondent had filed a compliance affidavit dated 15.04.2019 to the Civil Appeal No. 4395/2014

in pursuance of the order dated 28.01.2019 of this Hon'ble Court. A true

copy of the Compliance Affidavit filed by the answering Respondent

dated 15.04.2019 is annexed as "**Annexure - II**".



A.N. SINGH

7. Thereafter an IA No. 53863/2019 was filed by Sh. Sudiep Srivastava. The answering Respondent filed a detailed reply on 25.04.2019. A true copy of the Counter Affidavit filed by the answering Respondent dated 25.04.2019 in IA No. 53863/2019 is annexed as “**Annexure – III**”.
8. Thereafter, Sh. Sudiep Srivastava again filed IA No. 71316, 71319 and 2007 of 2022 in Civil Appeal No. 4395 of 2014. The answering Respondent in response to the IAs filed a Counter Affidavit on 15.07.2022. A true copy of the Counter Affidavit filed by the answering Respondent dated 15.07.2022 is annexed as “**Annexure – IV**”.
9. Thereafter, Sh. Dinesh Kumar Soni filed a Writ Petition No. 371 of 2019 which is tagged along with this matter. The answering Respondent in response to the said petition has filed an Affidavit on 19.02.2021. A true copy of the Affidavit filed by the answering Respondent dated 19.04.2021 is annexed as “**Annexure – V**”.
10. Thereafter, the Hon’ble Supreme Court vide order dated 13.10.2022 directed the answering Respondent to file the Biodiversity Assessment Report (“BAR” for short) prepared by ICFRE and WII before the next date of hearing. In compliance to the said order, the answering Respondent on 02.11.2022 filed the BAR and the same is on record. A true copy of the Affidavit dated 02.11.2022 filed by the answering Respondent is annexed as “**Annexure – VI**”.



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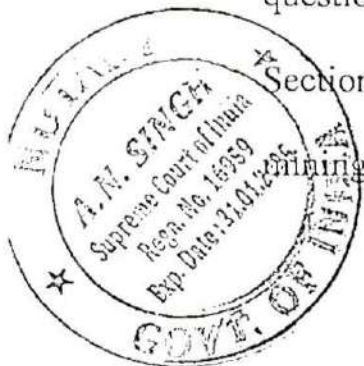
11. At the outset, all the allegations made against the answering Respondent in Civil Appeal No. 4395/2014, Writ Petition(C) No. 371/2019 and SLP(C) No. 18103/2022 and the IAs filed therein are denied except those that are specifically admitted herein. The Petitions are not maintainable against the answering Respondent either on law or on facts.

12. It is respectfully submitted that the present affidavit is being filed indicating the status of all the matters connected herein. Accordingly, the status of each matter is stated below:

A. STATUS OF CIVIL APPEAL NO. 4395/2014 AND IA NO. 53863 OF 2019, IA NO. 71316, 71319 OF 2022, IA NO. 2007 OF 2022 AND IA NO. NIL OF 2023 (AS FILED ON 26.04.2023)

13. It is respectfully submitted that the Hasdeo-Arand Coalfield is one of the major coalfields of Central India located in the upper reaches of Mahanadi Valley Master Gondwana Basin. It is spread over an area of approximately 1879.6 sq km. There are 23 coal blocks in Hasdeo-Arand Coal fields, out of which mining operations are currently being carried out only in Parsa East & Kete Basan (PEKB) Coal Block in the area in question. The answering Respondent has accorded approvals, under

Section 2 of the Forest (Conservation) Act, 1980, to the following coal mining projects:



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- i. A proposal for diversion of 1324.380 ha of forest land (originally proposed 2301.260 ha) for Tara Coal Block Opencast Coal Mining Project in favour of M/s Chhattisgarh State Mineral Development Corporation in Surguja District, Chhattisgarh was accorded Stage-I approval on 5.07.2011. The answering Respondent has not received the compliance report on the conditions of the Stage I Approval from the State Government in this matter. Accordingly, since, the final approval has not been granted by the answering Respondent in this matter, the forest land has not been diverted in this coal block as yet.
- ii. A proposal for diversion of 1898.328 ha of forest land for Parsa East and KeteBasan captive coal block for open cast mining project in favour of M/s Rajasthan Rajya Vidut Utpadan Nigam Limited in South Surguja Forest Division in the Surguja District of Chhattisgarh was accorded Stage-II on 15.03.2012.
- iii. A proposal for diversion of 841.538 ha of forest land for Parsa Opencast Coal Mining Project in favour of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL) in the Surguja District in the State of Chhattisgarh was accorded Stage-II approval on 21.10.2021.
- iv. The proposal for prospecting of 1745.883 ha of forest land in the Kete Extension Coal Block was granted Stage II Approval by the answering Respondent on 14.06.2018. It is pertinent to mention here that the proposal of prospecting does not involve diversion of forest land.



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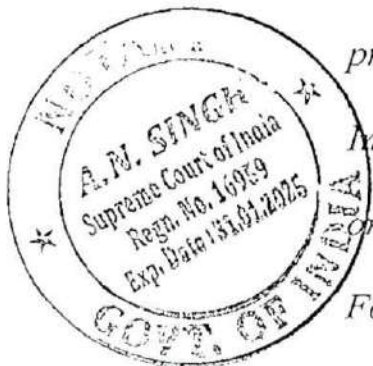
PARSA EAST AND KANTE BASAN (PEKB) COAL BLOCK:

14. The Government of Chhattisgarh, vide their letter dated 28.04.2010 submitted a proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of 1898.328 ha of forest land for Parsa East and Kete Basan ("PEKB") Coal block open cast mining in Hasdeo Arand forest.

15. The proposal was placed before the Forest Advisory Committee ("FAC") as constituted under Section 3 of the FCA on 10.03.2011 and 20-21.06.2011. The FAC did not recommend the proposal for diversion of forest land. However, the said recommendations of the FAC were overruled by the then competent authority vide speaking order dated 23.06.2011 and accordingly Stage I 'in-principle' Approval was granted by the answering Respondent vide letter dated 06.07.2011, subject to conditions prescribed therein.

16. It is pertinent to mention here that one of the mandatory conditions of Stage I Approval was:

7. The Wildlife Management plan and programme should be prepared under the aegis of an institution like the Wildlife Institution of India. Other independent institutions with expertise on elephant-related issues especially, like the Nature conservation Foundation, Wildlife Trust of India and the Centre for Ecological



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Studies at the Indian and the Indian Institute of Science could also be involved in the preparation and implementation of such a management plan with funds from the project proponents (IFFCO and RVUNL). The plan should be prepared over the next four-six months and should be submitted to the Ministry for monitoring.

17. It is respectfully submitted that the proposal for grant of Environment Clearance ('EC') was considered in the 33rd Expert Appraisal Committee ('EAC') meeting held on 26-27th September, 2011. The Committee, after detailed deliberation, had recommended for the grant of environment clearance in an area of 2711.034 ha to the PEKB coal block for a production capacity of 10 million tonnes per annum (MTPA). Accordingly, the EC was granted by the Ministry on 21.12.2011.

18. The State Government, vide their letter dated 17.10.2011 forwarded a copy of Wildlife Management Plan to Wildlife Institute of India ('WII'), Dehradun in compliance to condition no. 7 of the Stage-I approval dated 06.07.2011. The answering Respondent vide its letter dated 02.02.2012 had requested the WII, Dehradun to examine the Wildlife Plan submitted by the Government of Chhattisgarh. The WII, Dehradun examined the Wildlife Management Plan and has furnished its comments, vide their letter dated 29.02.2012.



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19. That after receipt of the comments of the WII, Dehradun on the Wildlife Management Plan and compliance of other conditions stipulated in the 'in-principle' approval, the Ministry accorded Final Approval to the proposal on 15.03.2012 *inter-alia* stipulating following additional conditions for effective implementation of the Wildlife Management Plan:

- i. *"The State Government will suitably incorporate the comments, as suggested by of the WII, Dehradun, into the Wildlife Management Plan prepared for the area.*
- ii. *The user agency will make provision for appropriate financial outlay for the establishment of Rescue and Rehabilitation team to mitigate human-wildlife conflicts.*
- iii. *In order to ensure proper implementation of the Wildlife Management Plan, the user agency shall make necessary provisions for carrying out the monitoring and evaluation of the plan. It would be appropriate to include Chief Wildlife Warden of the State as part of the Monitoring Committee.*
- iv. *The user agency will undertake and implement suitable mitigative measures as prescribed in the Wildlife Management Plan for reducing the dependency of cattle and people on the surrounding forest area."*



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20. That the above-mentioned Wildlife Management Plan, involving financial provision of Rs. 22.0 crores, was proposed to be implemented in the core area and buffer area over a period of 15 years. The Wildlife Management Plan included general protection of the core area and protection and conservation of the buffer zone ecosystem by carrying out various activities like fire protection, protection from grazing, illicit felling and plantation, empowerment of people for protection, soil and moisture conservation works, etc. The Wildlife Management Plan has been proposed to mitigate the impact of the mining operations on the wildlife in the area, including providing for safe movement of elephants. Therefore, to say that no mitigative measures were considered while granting Stage II/Final Approval for the PEKB Coal Block is incorrect and the same is denied.

21. The Stage II/Final Approval dated 15.03.2012 for diversion of 1898.328 ha forest land was granted for commencing the mining work in two phases. The relevant condition number 8 of the Stage II/ Final Approval is reiterated below:

"8. The mining shall be done in two phases:

I. During the Phase-I, covering 15 years, the mining shall be restricted to 762.00 ha. of forest land.



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II. During Phase-II, the mining over remaining 1136.00 ha. will be linked to the reforestation and biodiversity management in Phase-I.

III. The project proponent will submit the application for permission for mining in Phase-II along with compliance report of Phase-I." A True copy of the Stage II Approval dated 15.03.2012 is annexed as "Annexure –VII".

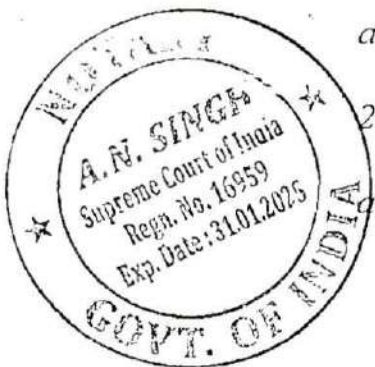
22. That, subsequent to grant of Stage-II/ Final approval by the answering Respondent, the State Government on 28.03.2012 passed the order for diversion of 1898.328 ha. of forest land for PEKB Coal Block. The said order of the State was challenged before the Hon'ble NGT by way of Appeal No. 73 of 2012 by Shri Sudiep Srivastava. The Hon'ble NGT vide order dated 24.03.2014 *inter-alia* directed:

Minister's letter

"1. Order dated 23rd June, 2011 passed by the respondent no. 2-MoEF Government of India and consequential order dated 5.2.12 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the Forest (Conservation) Act 1980 for diversion of forest land of PEKB Coal Blocks are set-aside;

2. The case is remanded to the MoEF with directions to seek fresh advice of the FAC within reasonable time on all aspects of the

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proposal discussed herein above with emphasis on seeking answers to the following questions: (i) What type of flora and fauna in terms of bio-diversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question. (ii) is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna. (iii) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need. (iv) Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies. (v) What is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora? (vi) What is their opinion about the Wildlife Management plan finally prescribed. (vii) What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialised knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.



3. The MoEF shall pass a reasoned order in light of the advice given by the FAC in accordance with law and pass appropriate order in accordance with law.

4. All work commenced by the respondent no. 3 project proponent and respondent no. 4 pursuant to the order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the FC Act 1980, except the work of conservation of existing flora and fauna, shall stand suspended till such further orders are passed by the MoEF in accordance with law."

23. The said order of the Hon'ble NGT was challenged by way of the captioned Civil Appeal. This Hon'ble Court vide order dated 28.04.2014 *inter-alia* directed:

"We stay the direction in the impugned order that all works commenced by the appellant pursuant to the order dated 28th March, 2012 passed by the State of Chhattisgarh under Section 2 of the Forest Conservation Act, 1980 shall stand suspended till further orders are passed by the Ministry of Environment and Forests."



The above order is self-explanatory.

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25. It is submitted that the mining activity in the forest land cannot operate without any permission under any statutory law. If it were to operate without any statutory regulations, then there would be illicit mining without any obligation to operate as per the statutory conditions prescribed in the statutory approval which in this case is the Stage II/Final Approval dated 15.03.2012 under section 2 of the Forest (Conservation) Act, 1980. Therefore, the Final Approval dated 15.03.2012 was under operation in pursuance of the stay order dated 28.04.2014 of this Hon'ble Court.

26. It is also pertinent to mention that the Hon'ble NGT vide order dated 07.11.2012 in Appeal No. 7 of 2012 in the matter of *Shri Vimal Bhai and other v. Union of India inter-alia* observed:

29. Cumulative reading of Section 2 (A) of the FC Act and 16(e) of the NGT Act, leads to an irresistible conclusion that under the said Sections an Appeal is provided for only against an order passed by the State Government or other authorities. In other words, the Legislature in its wisdom has kept the order of approval/clearance passed by the Central Government under FC Act beyond the scope of Appeal.

It is therefore respectfully submitted that the prior approval of the Central Government, granted under section 2 of the Forest



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(Conservation) Act, 1980, could not have been quashed by the Hon'ble NGT. A true copy of the excerpts of the order dated 07.11.2012 of the Hon'ble NGT is annexed as "Annexure-VIII".

27. Subsequently, the Government of Chhattisgarh submitted a proposal in 2017 for prospecting in the Kete Extension Coal Block which is contiguous to PEKB. Generally, prospecting or survey does not result into perceptible change in the forest land use, however, prospecting being a non-forestry activity attracts the provisions of the Forest (Conservation) Act, 1980. The answering Respondent referred the proposal to the FAC in August, 2017 and FAC directed the Regional Office, Nagpur of the answering Respondent to carry out the inspection in light of the directions of NGT as contained in its order dated 24.03.2014.

28. The Regional Office submitted its inspection report in light of the directions of the answering Respondent. Thereafter, the matter was again examined holistically by the FAC on 25.01.2018 and the FAC inter-alia recommended that the following study may be conducted by the State:

"A Biodiversity Study to be conducted through ICFRE, Dehradun in consultation with Wildlife Institute of India, Dehradun for the whole HasdeoArand Coalfield comprising of Tara, Parsa, Parsa East & KantaBasan and Kete Extension to be funded by M/s Rajasthan RajyaVidyutUtpadan Nigam Limited (RVUNL). The



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study is to be awarded by state government by associating the Indian Council of Forestry Research & Education (ICFRE), Dehradun and Wildlife Institute of India (WII) Dehradun and Integrated Wildlife Management Plan (IWMP) will be prepared and conservation area will be identified and mitigation measures will be recommended by the expert committee. The cost of study and cost of implementation of the recommendations shall be borne by M/S Rajasthan RajyaVidyutUtpadan Nigam Limited (RRVUNL). The report will be submitted within 2 years."

30. It is respectfully submitted that a proposal for expansion of PEKB Opencast Coal Mine from 10 MTPA to 15 MTPA was considered in 28th meeting of the EAC held on 17th -18th April, 2018. The EAC duly noted all the court cases/violations involved with regard to the project and recommended the proposal for grant of environmental clearance. Accordingly, the answering Respondent vide letter dated 10.08.2018 granted Environment Clearance for expansion of PEKB Opencast Coal Mine from 10 MTPA to 15 MTPA.

31. It is respectfully submitted that Government of Chhattisgarh vide letter dated 22.02.2021 forwarded the request of the user agency to allow

mining in 1136 ha. of forest land of Phase-II in the PEKB Coal block. It was stated that due to the enhancement of production capacity of mine



from 10 MTPA to 15 MTPA, mining activities of Phase-I will be over in 2021.

32. It is respectfully submitted that on receipt of the request of the State Government to allow the mining in the balance area i.e., the Phase II Mining, the proposal was re-examined thoroughly by the answering Respondent. The Ministry thoroughly deliberated and analysed the current factual position that the Bio-diversity Assessment Study was still under consideration with the State Government and the matter is sub-judice as well in this Hon'ble Court. Accordingly, vide letter dated 25.05.2021 requested the State Government to submit its considered opinion in the matter in light of various order of this Hon'ble Court for any further action on the proposal.

33. That the State Government vide their letter dated 22.06.2021, in reply to Ministry's letter dated 25.05.2021 forwarded the legal opinion of the Advocate on Record which *inter-alia* stated the following:

"In furtherance of the foregoing, in my considerate view, the judgement of Appeal No. 73/2012 titled 'Sudiep Srivastava v. State of Chhattisgarh & Ors' dated 24.03.2014 of National Green Tribunal and the pendency of the court case in Civil Appeal 4395 of 2014 titled 'Rajasthan Rajya Vidyut Utpadan Nigam Limited v. Sudiep Srivastava & Ors' in the Hon'ble Supreme Court, do not come



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in the way of exercising any administrative action strictly in accordance with law as the mining suspension order of Ld. NGT dated 24.03.2014 has been stayed by the Hon'ble Supreme Court of India vide its order dated 28.04.2014, an also the first operative part of the Judgement dated 24.03.20214, which raised some question for which the Biodiversity Assessment study is being conducted, is being fully complied with in accordance with the law."

34. The Government of Chhattisgarh, vide their letter dated 08.10.2021 forwarded a copy of Biodiversity Assessment Study Report to the Ministry. The report inter-alia recommended *"The allotted four contiguous coal blocks falling within the Gej-Jhink watershed viz., Tara (15), Parsa (13) PEKB (14) & Kente Extension (12) that are either already opened or in advance stage of getting the statutory clearances/ToR approved, can be considered for mining with strict environmental safeguards including appropriate conservation measures for management of surface water and biodiversity."* It is pertinent to note that 14 out of 18 projects, falling within both the Chornai (8) and Ton-Teti (9) watershed have not been recommended for mining by the Biodiversity Assessment Study keeping in view of conserving the relatively dense moist-dry deciduous sal dominated forest tracts that

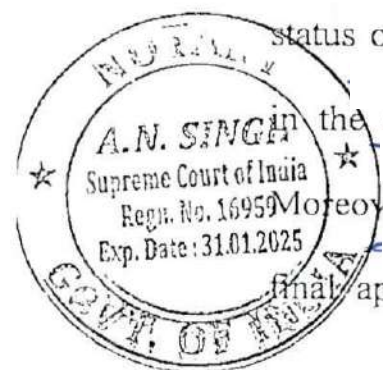


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provide home range for elephants. It is pertinent to mention that after receipt of the Biodiversity Assessment Study Report, all the operational directions of the Hon'ble NGT have been complied.

35. That as a matter of abundant precaution and after due diligence on the proposal based on Biodiversity Assessment Study, answering Respondent deliberated the proposal in the FAC meeting dated 28.10.2021. Prior to taking any decision, FAC recommended that a Sub-Committee shall be formed to visit the PEKB site to assess that status of reclamation measures already implemented/being implemented in the lease area by the user agency in terms of its efficacy and provisions provided in the Mining Plan and to provide the status of compliance of various conditions stipulated in the Stage II Approval dated 15.03.2012. Sub-Committee was constituted by the answering Respondent vide letter dated 9.11.2021. A true copy of the minutes of the meeting of the FAC dated 28.10.2022 is annexed as “Annexure – IX”.

36. That the Sub-Committee of FAC visited the site from 26th– 29th November 2021 and after thorough examination submitted its report with observations on 01.12.2021. The Sub-Committee recommended that the status of reclamation measures already implemented/being implemented in the area of inspection is satisfactory and ecologically sustainable. Moreover, it was also recommended that the conditions stipulated in the final approval by answering Respondent dated 15.03.2012 have been



complied with, by the User Agency and the proposal can be considered for Phase II mining. A true copy of the Sub-Committee Report is annexed as “Annexure – X”.

37. It is submitted that Biodiversity Assessment Study Report (BAR) was carried out by the ICFRE, Dehradun in association with Wildlife Institute of India (WII), Dehradun. It is pertinent to mention that there is only one report on the BAR which is submitted by the ICFRE, which includes report of WII. The recommendation made in the final report includes the recommendation of WII. The final report after due consultations with WII was presented by ICFRE before the FAC held on 23.12.2021.

38. That the recommendations of the Sub-Committee and detailed presentation of ICFRE Report was made before the FAC in its meeting held on 23.12.2021. The FAC, after detailed discussion and deliberations on the proposal, discussion with the Nodal Officer (FCA), Chhattisgarh, members of Sub-Committee of the FAC and after careful examination of the recommendations of ICFRE in Biodiversity Assessment Study Report (BAR) recommended the proposal for Phase-II mining over balance area of 1138 ha for which the Final/Stage-II Approval was already granted on 15.03.2012 subject to the fulfilment of following conditions:

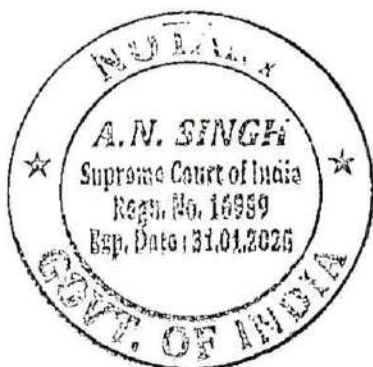
- i. *The recommendation in the Biodiversity Assessment Study Report (BAR) have been made keeping in view the*



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comprehensive scenario of current production levels, biotic interference, mitigating measures, etc vis-à-vis impact on surrounding resources. Therefore, no further changes in the Mining Plan vis-a-vis land use shall be effected by the user agency without the prior approval of Central Government.

- ii. *The recommendation made in the Biodiversity Assessment Study Report shall be incorporated into the Wildlife Management Plan and the same shall be implemented by the State Forest Department at the project cost.*
- iii. *Annual site inspection on compliance of conditions should be mandatorily done jointly by IRO, Raipur and State Forest Department.*
- iv. *Grant of permission for mining operations in the Phase-II area of 1136 ha is subject to change as per the directions of Hon'ble Supreme Court, as may be directed in final decision, in Civil Appeal 4395 of 2014.*
- v. *The user agency, in consultation with the State Forest Department, will strengthen the provision for appropriate financial outlay for the establishment and effective functioning of Rescue and Rehabilitation team to mitigate human-wildlife conflicts.*



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- vi. *The State Government and the user agency shall ensure that concerned orders/directions of Courts/Tribunals, relevant provisions of the all Acts, Rules, Regulations and Guidelines pertaining to this project, if any, for the time being in force, as applicable to the project.*
- vii. *Biodiversity restoration should be integral part of mining site rehabilitation and User Agency should submit annual progress report on rehabilitation of mined up areas following best practices and afforestation measures to IRO for information and verification.*

A true copy of the minutes of the meeting of the FAC dated 23.12.2022 is annexed as “**Annexure-XI**”

39. That, accordingly, the answering Respondent vide letter dated 02.02.2022 granted permission to commence the Phase II mining operation in the balance area of 1136 ha. of forest land in favour of Rajasthan RajyaVidyutUtpadan Nigam Ltd.

40. It is pertinent to mention that the approval for Phase-II mining of the Stage –II/Final approval given by the Ministry was based on the facts brought before the FAC and the report submitted by the Sub-Committee.

Therefore, the allegations made in the IAs are baseless and without any merit. Furthermore, the Environment Clearance for mining out the coal



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was given considering the mining plan and mining carried out by the User Agency. Therefore, the allegation regarding allowing the Phase-II mining without completely exhausting the coal reserves of Phase-I is hypothetical and lack factual substances.

41. It is respectfully submitted that to facilitate objective, informed and transparent decision on diversion of forest land for coal mining projects, the answering Respondent on the suggestion from the Ministry of Coal, jointly undertaken a study during 2008- 2009 in nine major coal fields, namely the Talcher, IB Valley, Mandiraigarh, Sohagpur, Wardha, Singrauli, North Karanpura, West Bokaro and Hasdeo and the coal blocks located in these coalfields were classified into 'Go' and 'No Go' areas. However, Group of Minister, constituted by the Cabinet Secretariat, vide their OM No. 121/4/3/2010-Cab. dated 3.02.2011 to consider the environmental and developmental issues relating to coal mining and other developmental issues, inter-alia decided that concept of Go-No-Go for coal mining should be done away with and each of the proposal seeking diversion of forest land for coal mining be processed and considered by the answering Respondent. Accordingly, the answering Respondent vide its letter dated 30.08.2012 conveyed the concerned State Governments to process the coal mining proposals in accordance with the decision of the Group of Ministers and send them to MoEF&CC to consider these cases



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on case to case basis and on their merits. A true copy of the OM dated 30.08.2012 is enclosed as "Annexure- XII".

42. It is respectfully submitted that the Government of Chhattisgarh has notified the Lemru Elephant Reserve over an area of 1995.48 sq km on 2.07.2021 for protection and conservation of elephants in the landscape being a flagship species. It is pertinent to mention that an area of 450 Sq. Km was proposed to be notified as Elephant Reserve, however, the elephant reserve was declared in an area of 1995.48 Sq. Km. As per said notification, neither PEKB nor any other three Coal Blocks as recommended in the BAR fall within the notified Lemru Elephant Reserve. Moreover, a Wildlife Management Plan for the proposal was concurred by Wildlife Institute of India (WII), Dehradun before issuance of Stage-II and as per the recommendation, a sum of Rs. 22 crores was deposited by the User Agency for the same. Further, the Ministry while according permission for Phase-II mining operations, also directed the State Government to incorporate the recommendation made in the BAR in the Wildlife Management Plan to enforce the mitigation measures for protection and conservation of the wildlife and floral diversity of the area. Therefore, the allegation of the appellant that the recommendations of the WII were not considered is factually incorrect. Thus, mitigation measures and management interventions, that remains subject to modifications as and when required, related to wildlife in the matter has duly been taken



care of. A true copy of the Lemru Reserve Notification is annexed as “Annexure –XIII”.

43. It is respectfully submitted that the Government of Chhattisgarh has taken a cautious decision to notify the Lemru Elephant Reserve revealing the intention of the State to give emphasis on the protection and conservation wildlife in general and elephants in particular than mining. It is pertinent to mention that, presently, the entire area of only three Coal blocks fall within the Lemru Elephant Reserve whereas areas of two coal blocks are partially falling within the Elephant Reserve. It may be noted that neither of the Coal Blocks in question i.e., Parsa, Tara Central, PEKB and Kente Extension are in the Lemru Elephant Reserve. A map depicting the detail of Coal Blocks located in Hasdeo Arand Coal field and Lemru elephant Reserve is annexed as “Annexure-XIV”.

44. The answering Respondent received a proposal for expansion in capacity from 15 MTPA to 18 MTPA from the Project Proponent for the PEKB Coal Block and after careful examination and due deliberation, the answering Respondent on 14.02.2022, granted the Environment Clearance for expansion in capacity from 15 to 18 MTPA under the provisions of 7(ii) of EIA Notification, 2006.



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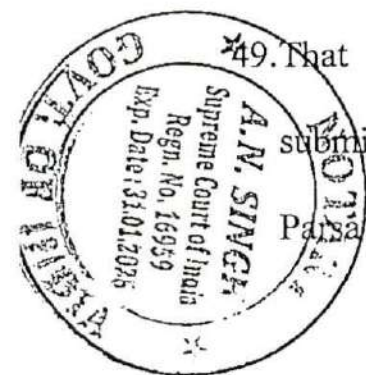
45. It is respectfully submitted that the User Agency (RRVUNL) submitted an online application for Terms of Reference (ToR) (Proposal No. IA/CG/CMIN/59215/2016) on 27.09.2016 for Opencast Coal Mining in the Parsa Coal Block.

46. The ToR proposal was considered by the Expert Appraisal Committee (EAC) in its meeting held on 30th-31st January' 2017, wherein the proposal was recommended for ToR. The ToR for EIA/EMP was issued by answering Respondent vide letter dated 23.03.2017.

47. Thereafter, the Project Proponent (RRVUNL) submitted an online proposal No. IA/CG/CMIN/59215/2016 seeking grant of Environment Clearance (EC) to the Project was considered in various Expert Appraisal Committee (EAC) meetings.

48. The proposal was again deliberated in EAC held on 21.02.2019 and the EAC, after meticulously examining the proposal and the replies filed by the Project Proponent, recommended for grant of Environmental Clearance to the project. The answering Respondent vide letter dated 12.07.2019 granted Environment Clearance to the project with conditions and subject to the orders of Hon'ble Supreme Court in Civil Appeal No.4395/2014.

49. That the State of Chhattisgarh vide their letter dated 02.05.2018 submitted proposal for diversion of 841.538 ha. of forest land for the Parsa Opencast Coal Mining project (5MTPA) in favour of M/s Rajasthan



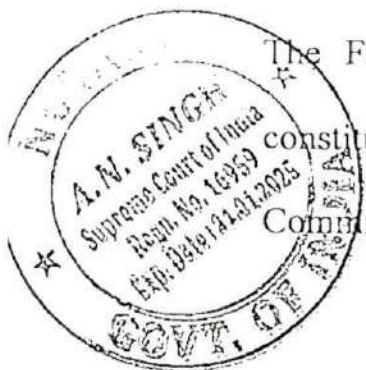
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RajyaVidyutUtpadan Nigam Limited (RRVUNL), in Surguja and Surajpur Districts in the State of Chhattisgarh. The above proposal was considered by the FAC in its meeting held on 26.07.2018 and the FAC, after examination of the proposal recommended to obtain *legal opinion whether in-principle approval can be considered for this coal block/other coal blocks in HasdeoArand forest area pending final disposal of the case in the Apex court.*

50. That based on the recommendation of the FAC, the Department of Legal Affairs, Ministry of Law & Justice was requested to obtain the legal opinion. The Ministry of Law and Justice furnished the legal opinion \ wherein it is inter-alia it was opined that “.....*there is no bar for the FAC to consider the proposal for in-principal approval and pending case before the Supreme Court has no bearing with the ‘Parsa Coal Block’ as such. However, it must be clarified that the FAC is competent and not restricted in any manner to take any decision in regard to the proposed conversion of land on any scientific or environmental concern which it may have....”.*

51. That the proposal along with the legal opinion, was placed before the Forest Advisory Committee in its meeting held on 19th December, 2018.

The FAC, after deliberation of the legal opinion, recommended to constitute a Sub-Committee of the FAC to visit the area. The Sub-Committee, constituted by the Ministry on 20.12.2018, visited the area on



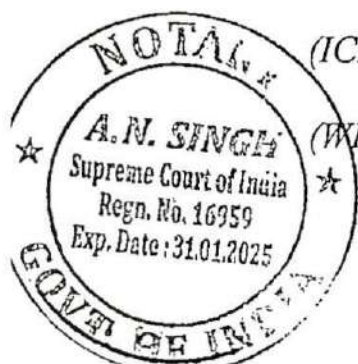
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8th January, 2019 and submitted its report on 11th January, 2019 wherein *inter-alia* it was reported that so far, an area of 537.24 ha has been broken up and sequential mining and reclamation is also going on and so far 161.63 ha has been backfilled, 79.70 ha physically reclaimed and 50.2 ha of internal dump and 21.96 ha of other areas have been reclaimed through plantation/biological reclamation.

52. That the proposal, along with the report of the Sub-Committee was considered by the FAC in its meeting held on 15th January, 2019 and the FAC, after deliberations on the inspection report of the Sub-Committee, legal opinion furnished by the Ministry of Law and Justice and facts related to the proposals, decided to recommend the proposal for grant of 'in-principle' approval.

53. That the Stage I 'in-principle' approval to the Parsa Opencast Coal Mining project was accorded by the Ministry vide letter dated 13th February 2019 read with letter dated 28.02.2019 *inter-alia* stipulating the following condition:

The State Government and the User Agency shall comply with the recommendation made in the Biodiversity Assessment Study to be carried out by Indian Council of Forestry Research and Education (ICFRE), Dehradun in consultation with Wildlife Institute of India (WII), Dehradun for the whole Hasdeo-Arand Coalfield comprising of



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Tara, Parsa, Parsa East, KeteBasan, etc. The State Government shall submit recommendation of Biodiversity Assessment to MoEF&CC before Stage-II approval for further decision in the Ministry.

54. That the Government of Chhattisgarh vide their letter dated 14.06.2021 and letter dated 8.10.2021 furnished the compliance of 'in-principle' approval and Biodiversity Assessment Study Report, respectively. The Ministry, after considering the same and having satisfied with the compliance report, granted Stage-II/Final approval to Parsa Coal Block on 21.10.2021.

B. STATUS OF SLP(C) NO. 18103 OF 2022 and IA No. NIL of 2023

55. The SLP has been filed against the impugned judgement dated 30.09.2022 in IA No. 5/2022 of WP(C) No. 1346/2016 passed by the High Court of Chhattisgarh at Bilaspur which rejected the interim relief sought by the petitioners prevent tree felling in the Ghatbarra forest in the HasdeoArand Region.

56. It is respectfully submitted that facts related to the prior approval granted by the answering Respondent under the Forest (Conservation) Act, 1980 to the PEKB coal block, as mentioned above, may be read as part and parcel of the contentions raised in this SLP and the same is not re-iterated for the sake of brevity.



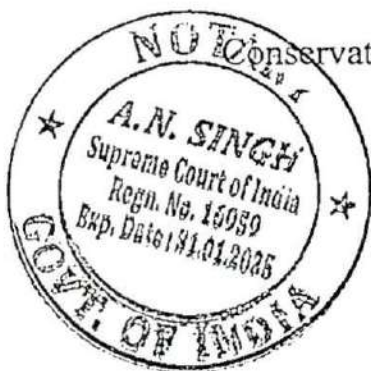
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57. It is alleged that after the promulgation of the Forests Rights Act, 2006, the village Ghatbarra in HasdeoArand Region claimed its community rights to the forest in and around the village. The said rights were partially settled by the District Level Forest Rights Committee in its meeting on 03.09.2013 which recognized the community rights of the Gram Sabha of Ghatbarra village over an area of 810.921 ha. of forest land.

58. It is alleged that while enjoying their community rights, the petitioners obstructed in the mining operations of the Rajasthan Rajya Vidyut Utpadan Nigam Ltd. for the PEKB Coal Block.

59. It is respectfully submitted that the responsibility of settlement of rights of Scheduled Tribes and Other Traditional Forest Dwellers in accordance with the provisions of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Forest Rights Act, 2006) vests with the State Government.

60. The District Collector is the competent authority for settling with settlement of rights and issuing of required certificates. The certificates by the State Government were considered by the Government of India while considering the proposal of PEKB coal Block for approval under the Forest Conservation Act, 1980.



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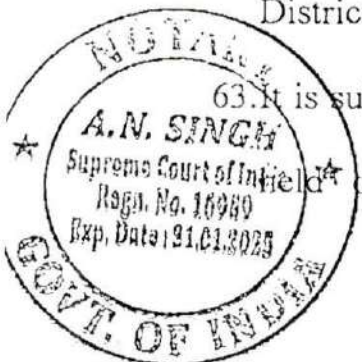
C. STATUS OF WRIT PETITION NO. 371 OF 2019 AND IA NO. NIL OF 2023

60. The Petitioner has sought directions to cancel the allocation of the PEKB, Parsa, Kente Extension coal blocks to RRVUNL as same is in contravention of Coal Mines (Special Provisions) Act 2015 and Judgment dated 25.08.2014 and 24.09.2014 of this Hon'ble Court in W.P. (CrI.) No. 120/2012.

61. The relief sought with respect to the answering Respondent in the Writ Petition is that the Environment Clearance, granted to M/s Rajasthan Rajya Vidyut Utpadan Nigam Ltd (RRVUNL) on 21.12.2011 in favour of Parsa East and Kanta Basan Opencast Coalmine Project, be revoked due to non-compliance of Environment Clearance conditions.

62. It is respectfully submitted that the answering Respondent in accordance with the EIA Notification, 2006 vide letter dated 18.03.2008 had granted the ToR for the Parsa East and Kanta Basan Opencast Mine project of 10 MTPA production capacity in a total area of 2711.034 ha. Along with a pit head coal washery of 10 MTPA to be located within the leasehold of the mine located in the Hasdeo Arand Coalfields in Tehsil Udaipur, District, Sarguja, Chhatisgarh.

63. It is submitted that the proposal was considered in the 33rd EAC meeting on 26-27th September, 2011. The Committee, after detailed



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deliberation, had recommended for the grant of Environment Clearance in an area of 2711.034 ha. to the PEKB coal block for a production capacity of 10 million tonnes per annum (MTPA). Accordingly, the Environmental Clearance was granted by the answering Respondent on 21.12.2011.

64.It is submitted that on 25.08.2014 and 24.09.2014, this Hon'ble Court vide judgement in WP (Crl.) 120 of 2012, quashed the allocation of all the coal blocks in the country except the two allocations made to the Central Government PSU not having any joint venture, Thereafter, the Ministry of Coal had framed the Coal Mines (Special Provisions) Act, 2015. Further, the PEKB coal block was re-allocated in favour of RRVUNL by Ministry of Coal vide allotment No. 103/13/2015/NA and the revalidation of Environmental Clearance was granted by the answering Respondent on 25.06.2015.

65.It is respectfully submitted that the proposal for expansion of PEKB Opencast Coal Mine from 10 MTPA to 15 MTPA was considered in 28th meeting of the EAC held on 17th -18th April, 2018. The EAC after detailed deliberations recommended grant of Environmental Clearance. The answering Respondent vide letter dated 10.08.2018 granted Environment Clearance for expansion of PEKB Opencast Coal Mine from 10 MTPA to 15 MTPA. Moreover, the Ministry on 14.02.2022,



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granted the Environment Clearance for expansion in capacity from 15 to 18 MTPA under the provisions of 7(ii) of EIA Notification, 2006.

66. It is submitted that the Cancellation/Allocation of Coal block does not come under the purview of the answering Respondent as the same comes under the provisions enshrined in Coal Mines (Special Provisions) Act, 2015 for which the Nodal Ministry is the Ministry of Coal.

67. It is respectfully submitted that to assess the compliances of EC condition, Ministry's Integrated Regional Office (IRO)-Raipur has conducted site visit on 17.11.2021 and submitted Monitoring Report dated 19.01.2022 for updated status of compliance of EC Conditions stipulated in EC letter dated 10.08.2018. As per the said report, all the conditions are reported to be complied except two conditions i.e., no. (xi) & I(i). These are regarding Fly Ash Utilization and reduction of energy consumption. A true copy of the Monitoring Report dated 19.01.2022 is annexed as "**Annexure – XV**"

68. It is further submitted that the Action Taken Report for compliance of conditions was submitted by the Project Proponent vide its letter dated 20.09.2022. A true copy of the Action Taken Report is annexed as "**Annexure – XVI**".

That this answering Respondent reserves its right to file additional affidavits as and when required till *pende-lite*.



S. N. Singh

70. That in light of the aforementioned facts and circumstances it is respectfully prayed that this Hon'ble court may pass any order as it deem fit.

I Identify the deponent who has Signed/Put T.I. in my presence

DEPONENT
(Charan Jeet 1. वैज्ञानिक 'सी'/Scientist पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय Min. of Environment, Forest and Climate Change भारत सरकार, नई दिल्ली Govt. of India, New Delhi)

VERIFICATION

I, the above named Deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge and are based on official records and nothing material is concealed therein.

02 MAY 2023
Verified at New Delhi on this 2nd Day of May, 2023.

DEPONENT
(Charan Jeet 1. वैज्ञानिक 'सी'/Scientist पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय Min. of Environment, Forest and Climate Change भारत सरकार, नई दिल्ली Govt. of India, New Delhi)



ATTESTED
A. N. Singh, Adv.
Notary Public
Govt. of India, Delhi
Mob.: 9718139591, 7982539115

02 MAY 2023

Certified that the above Named Deponent Identify by Shri/Smt. Rohan Gupta, Adv. Solemnly affirmed before me at Delhi S. No. 357 The contents of the affidavit which have been read & explained to me are true and correct Notary

02 MAY 2023

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

IA NO. 2007 OF 2022

IN

CIVIL APPEAL NO. 4395 OF 2014

IN THE MATTER OF:

RAJASTHAN RAJYA VIDYUT UTPADAN NIGAM LIMITED

...APPELLANT

VERSUS

SUDIEP SHRIVASTAVA & ORS.

...RESPONDENTS

APPLICATION ON BEHALF OF THE RESPONDENT NO.1

FOR APPROPRIATE DIRECTIONS

Humble Application of the

Respondent No.1

MOST RESPECTFULLY SHEWETH:

1. That the instant appeal has been filed by the appellant challenging the NGT Judgment dated 24th March 2014 in Appeal No. 73 of 2012 filed by the Respondent No. 1 herein. The Hon'ble NGT has quashed the Order of the Minister of Environment and Forest dated 23.06.2011 and the Forest Clearance dated 28.03.2012 granted to the Parsa East Kete Basan (herein after referred as PEKB) Coal Block by the State of Chhattisgarh.

2. That the aforesaid judgment contains several directions which the respondent herein would like to reproduce for the sake of convenience:

"Hence, the order:

1. *Order dated 23rd June, 2011 passed by the respondent no. 2-MoEF Government of India and consequential order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the Forest (Conservation) Act 1980 for diversion of forest land of PEKB Coal Blocks are set-aside;*

2. *The case is remanded to the MoEF with directions to seek fresh advice of the FAC within reasonable time on all aspects of the proposal discussed herein above with emphasis on seeking answers to the following questions: (i) What type of flora and fauna in terms of bio-diversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question. (ii) is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna. (iii) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need. (iv) Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies. (v) What is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora? (vi) What is their opinion about the Wildlife Management plan finally prescribed. (vii) What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialised knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.*

3. *The MoEF shall pass a reasoned order in light of the advice given by the FAC in accordance with law and pass appropriate order in accordance with law.*

4. *All work commenced by the respondent no. 3 project proponent and respondent no. 4 pursuant to the order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the FC Act 1980, except the work of conservation of existing flora and fauna, shall stand suspended till such further orders are passed by the MoEF in accordance with law.*

5. *No order as to costs."*

3. That this Hon'ble Court by way of its order dated 28.04.2014 passed in the instant appeal have stayed the Direction Number 4 of the aforesaid Judgment whereas the Judgment or other directions were not stayed.
4. That the respondent MoEFCC in a deliberate stand has not implemented the aforesaid directions and since 2017-18 onwards started considering and clearing other projects of the Hasdeo Arand region which are adjacent to PEKB Block namely Parsa and Kete Extension. It is submitted that the Parsa Coal Block is also covered by the MoEFCC's order dated 23.06.2011 which was quashed by the NGT. It is submitted that the NGT Judgment is still effective and all the permissions granted till now are null and void.
5. That not only the MoEFCC has not implemented the directions of the NGT judgment it has termed the PEKB case as *Fait-Accompli*.
6. That in the aforesaid circumstances the Respondent No. 1 herein in the instant appeal has filed an application for directions (*IA No. 53863 of 2019 in CA No. 4395 of 2014*) on which notice was issued on 02-04-2019 by this Hon'ble Court. The aforesaid

application *inter alia* contains detailed averments related as to how the other respondents specially MoEFCC have not complied all such directions of the impugned judgment which were not stayed by this Hon'ble Court and moreover granted more permissions to the Appellant herein in violation of the said judgment. A true copy of the IA No. 53863 of 2019 filed in the instant appeal is marked and annexed herewith as **ANNEXURE A-1 [Pg. 39 to 58]**.

6. That this Hon'ble Court has issued notice on the aforesaid IA in 2nd April 2019 and the matter was last listed for effective hearing on 30th April 2019 when this Hon'ble Court was pleased to direct the matter to be listed for hearing on a Non-Miscellaneous Day in the week commencing 15th July 2019.
7. That the matter has not been heard thereafter, either for want of Bench or due to Covid related instructions.
8. That the Respondent No.1 / Applicant herein has not challenged the impugned judgment which allows MoEFCC to pass an order again after getting the desired study done through ICFRE/WII, however, the subsequent events and the conduct of the MoEFCC compel the Applicant herein to challenge the aforesaid direction of the NGT and now it is being sought that this Hon'ble Court may decide the matter after hearing the case on merits and pass a final judgment.
9. That this Hon'ble Court in the case of **Saurav Jain vs M/S A.B.P. Design [2021 SCC OnLine SC 552]** has held:

“Though the appellant did not assail the finding of the Trial Court on the issue of jurisdiction before the High Court under Order XLI Rule 22 CPC either by filing a memorandum of cross-objection or otherwise, he is not precluded from raising

the argument before this Court. This Court in view of its plenary jurisdiction under Article 136 of the Constitution read with its power to do complete justice under Article 142, can entertain new grounds raised for the first time if it involves a question of law which does not require adducing additional evidence, specifically one concerning jurisdiction of the court which goes to the root of the matter."

Similarly, this Hon'ble Court has also held in *The State Of Andhra Pradesh vs B. Ranga Reddy (D) By L.R. [Civil Appeal No. 17486 of 2017]* that:

"...We find that such an argument is not tenable. As mentioned above, that the decree of dismissal of the first and second suit has not attained finality which are under challenge by the plaintiffs and the defendants-State are entitled to dispute findings on Issue No. 1 even without filing cross objections or in terms of Order XLI Rule 33 of the Code that the decree of dismissal of suit on the grounds other than what weighed with the learned trial court. All the issues are open for consideration before the First Appellate Court."

9. It is submitted that the MoEFCC in a deliberate manner has interpreted this Hon'ble Court's order differently at different stage and facilitated more clearances in favour of RRVUNL/Adani and frustrated the directions which were passed by the NGT and were not stayed by this Hon'ble Court. Following is the chart of flip flop committed by MoEFCC and its FAC.

Meeting detail of the EAC/FAC	What the Committee recommended and approved by the MoEFCC	Effect of that order
29-30 th April and 28 th May 2014 FAC Meeting.	On the information submitted by the RRVUNL that this Hon'ble Court has passed	MoEFCC never put the said matter again for

	<p>an interim order on 28th April 2014, the FAC Differed its meeting.</p> <p>Later the MoEFCC interpreted the order as complete Stay on the NGT Judgment whereas the plain reading of the order aforesaid reads otherwise.</p>	<p>consideration for atleast 4 years before the FAC</p>
2017	<p>The MoEFCC official classification in the breakup of the Forest Land type was changed. In the original proposal 1654 Hect was Notified Protected and Reserve Forest Land with crown density of 0.4 to 0.7 and remining 245 Hect was revenue forest land with crown density 0.1 to 0.4</p>	<p>All the subsequent correspondence of the MoEFCC mentioned this changed classification to describe the Forest as inferior type.</p>
25 th January 2018 FAC Meeting	<p>The MoEFCC and the FAC took a complete U turn and said that only Direction No. 4 was stayed and the matter could be considered by the FAC.</p> <p>In this meeting despite the fact that out of 1898 Hect of forest land only 25% was</p>	<p>MoEFCC accepted the recommendations and treated the fait-accompli situation as final for PEKB Mine.</p>

	broken, the FAC termed the case as "Fait-Accompli"	
18 th April 2018 EAC Meeting	Despite being aware that NGT directions were not stayed, and only working permission was granted for existing capacity i.e. 10 MTPA, the EAC approved expansion of the capacity from 10 to 15 MTPA.	MoEFCC accepted the recommendations and issued an Environmental Clearance order dated 10.08.2018 for enhance capacity.
26 th July 2018 FAC meeting	While considering the Parsa Coal Block Stage I Forest Clearance, the FAC opined that the final outcome of the instant appeal would facilitate taking a final view in the instant matter. However, in order to grant Stage I clearance, the FAC sought ASG's opinion. Despite the fact that Parsa Coal Block is covered by the NGT Judgment, the ASG opined otherwise.	MoEFCC instead of expediting the hearing of the instant appeal on the basis of the ASG opinion went ahead and considered the Parsa Coal Block proposal.
04 TH September 2018	That in the letter dated 04.09.2018 it has been stated that the Forest Clearance granted earlier	The Revalidation done by the MoEFCC is wholly illegal and deprives

		has been "re-validated". It is astonishing to note that the same could not be done in view of the NGT judgment and directions which were still in force.	them to their right to pass any order now.
15 th 2019 meeting	January FAC	The FAC recommended grant of Stage I Forest Clearance despite State Govt's objection that a detail Bio Diversity Study is required before granting any clearance.	MoEFCC accepted the FAC recommendations and granted Stage-I Forest Clearance to Parsa Coal Block on 13.02.2019.
21 st 2019 meeting	February EAC	The EAC also recommended grant of Environmental Clearance of Parsa Coal Block despite the fact that State Govt. has ordered a detail bio diversity study on 29 th January 2019. The MoEFCC/EAC ought to have deferred the matter but it proceeded to grant the clearance.	MoEFCC granted Environmental Clearance to Parsa on 12.07.2019.

10. That the aforesaid flip-flop done by MoEFCC is further evident from the fact that it took shield of the AOR's opinion initially which is reproduced here for instant perusal;

"Regarding the implication of the order dated 28.04.2014 of Hon'ble Supreme Court of India, it was decided that legal opinion of the Standing Counsel, Supreme Court may be sought for further clarification on the course of action, if any, to be taken by this Ministry. Sh. Haris Beeran in reply to the said e-mails informed the following (F/Y): "I have perused the documents mailed to me. In my opinion, the Supreme Court order is unambiguous. The order of NGT has been stayed in toto. Therefore, no action need be taken by the MoEF till the disposal of the Civil Appeal by the Supreme Court."

The aforesaid detail is stated in the MoEF Note in F. No. 8-31/2010-FC (Vol.) Subject: Application for Change of land use of 29.09 ha forest land out of already diverted forest land of 762.00 ha out of approved 1898.328 in favour of Rajasthan Rajya Vidyut Utpadan Nigam Limited, in Villages Parsa and Kete, Tehsil Udaipur, District Surguja, CG., A true copy of the aforesaid MoEFCC note regarding change of land use for 29.09 Hect is being marked and filed herewith as **Annexure A-2 [Pg. 59 to 63]**.

11. That despite the aforesaid being the position, when it come to the clearance of Production Capacity enhancement from 10 MTPA to 15 MTPA, the MoEF Note reveals that the Hon'ble Minister directed the matter to be considered by the FAC again in the following words;

"F. No. 8-31/2010-FC 1. Vide placed at F/X is an extract portion of file bearing no.J-11015/03/2008-IA-II(M) wherein the matter is under consideration in IA division of this Ministry for grant of EC to the expansion project "Parsa East and Kanta Basan (PEKB)" Opencast Coal Mine from 10 MTPA to 15 MTPA along with the expansion of Pit Head Coal Washery from 10 MTPA to 15 MTPA , in a total area of 2711.034 ha located in Hasdeo-Arand Coalfields

in District Surguja, Chhattisgarh. This file was processed by IA Division for the direction of competent authority on which the Hon'ble Minister of State for EF&CC directed that "since the matter is pulling for long, FAC may convene a meeting and decide the matter in 4 weeks".

That the true copy of the aforesaid MoEFCC note for capacity expansion is being marked and filed herewith as **Annexure A-3 [Pg. 64 to 70]**.

12. That the FAC on its 25th January 2018 meeting did not deliberate on its earlier decision that the matter could not be considered as there is total stay on the NGT order as opined by the AOR of Supreme Court and simply went on to consider the matter after stating that the same has become "*fait-accompl*" and allows the mining with existing conditions. No mention about the earlier decision taken by the MoEFCC about the same order dated 28.04.2014 of this Hon'ble Court has been made in the entire note. As a matter of fact, in para 17 to 18 of the FAC minutes of 25th January 2018, it has been stated plainly that only Direction No. 4 has been stayed. A completely contrary interpretation after four-years delay and now the FAC treats the project as "*Fait-Accompli*". Para 17 to 18 of the FAC minutes are being reproduced herein for instant perusal;

"17. The file was processed and Hon'ble Minister of State for EF & CC directed that "since the matter is pulling for long. FAC may convene a meeting and decide the matter in 4 weeks."

18. The Ministry observed that the Supreme Court has stayed part 4 of the order of the NGT whereby the ongoing operation of the mine was suspended, the matter should be placed before the FAC in compliance of the remaining part of

the NGT order namely (1), (2) and (3) and seek advice of the FAC on the whole issue."

A true copy of the FAC Minutes dated 25th January 2018 is marked and being filed herewith as **Annexure A-4 [Pg. 71 to 76]**.

Further, in another letter dated 04.09.2018 the FC Division of the MoEFCC wrote to PS Forest Chhattisgarh stating that the Stage II Forest Clearance granted earlier has been revalidated which actually has been quashed by the NGT. It is also important to note that the Forest Land classification has been misrepresented in this letter as well. Since 1654 Hect Land is of Notified Reserve/Protected Forest category having 0.4 to 0.7 Crown Density is being affected by the PEKB Project whereas an additional 244 Hect Revenue Forest Land is also affected, The said classification has been reversed and now 1654 Hect land has been shown as Revenue Forest i.e., of inferior quality and only remaining 244 Hect has been shown as Notified Reserve or Protected Forest. A true copy of the letter dated 04.09.2018 issued by the FC Division is marked and filed herewith as **Annexure A-5 [Pg. 77]**.

13. That deliberate flip flop and misrepresentation of the MoEFCC is only to help facilitating clearance in favor of the RRVUNL/Adani in a predetermined mind. In such a scenario, it is a simple foregone conclusion that the MoEFCC would not act as an independent arbitrator and would pass final orders again in favor of the RRVUNL/Adani if they were allowed to do so in terms of the NGT order.
14. That it is pertinent to mention that the MoEFCC never bothers to conduct the study as per NGT order and ultimately after a lapse

of 5 years, the State of Chhattisgarh and not the MoEFCC which has ordered a Bio Diversity Study by ICFRE on 29TH January 2019. However, the expenditure of the said study was borne by an interested party RRVUNL which has a direct conflict of interest.

15. That the State of Chhattisgarh in on 29th January 2019 has asked the Indian Council of the Forest Research and Education (ICFRE) to carry out a Bio Diversity Study in the Hasdeo Arand Region specially in PEKB, Parsa, Tara and Kente Extension Coal Block areas. The cost of the study was directed to be borne by the Project Proponent of the PEKB, Parsa and Kente Extension Coal Block i.e., RRVUNL, the appellant in the instant appeal. It is noteworthy that as per the NGT Judgment the desired study was supposed to be carried out by the MoEFCC through ICFRE/WII on its own and not through State Government/Project Proponent who are the interested parties in Forest Clearance. Moreover, the NGT Judgment has given clear Terms of Reference for the desired study which were not given to the agency ICFRE by the State Government and a general Bio Diversity study was ordered.
16. That ICFRE commenced the research and field visit of the area some time in mid 2019. It is evident that the ICFRE engaged the WII being the specialized body for Wild Life Issues. It is pertinent to mention that despite the said study was ordered and going on as the time period for the said study was given as 18 months, the MoEFCC granted Stage I Forest Clearance and Environmental Clearance for Parsa Coal Block on 13th February 2019 and on 12th July 2019. A true Copy of the Environmental clearance granted for Parsa Coal Block is marked and filed herewith as **ANNEXURE A-6 [Pg. 78 to 92]**.

17. That the ICFRE could not have completed the said study in the 18 months because of the Covid 19 onslaught and got delayed. However, it is necessary to point out that the ICFRE team never ever called for any Public Hearing or even noticed the applicant herein or any local residents of the area to submit any information or documents if they wish to do so. It is further objectionable to note that during the visit of the area the ICFRE team chose to enjoy the hospitality at RRVUNL/Adani Guest House built in the PEKB area.
18. That the applicant herein has challenged the environmental clearance granted to PEKB Block for production capacity enhancement from 10 MT PA to 15 MT PA by way of filing Appeal No. 185 of 2018 before the NGT but the same was adjourned sine-die because of the pendency of the instant appeal in this Hon'ble Court. Subsequently the applicant herein has further challenged the Environmental Clearance granted to Parsa Coal Block before the NGT in Appeal No. 12 of 2019 but the same was also not heard and tagged with the aforesaid sine-die matter by the Hon'ble NGT. The instant appeal pending before this Hon'ble Court covers all these blocks. The order passed by the Hon'ble NGT dated 21.05.2020 in Appeal No. 12 of 2019 is marked and filed herewith as **Annexure A-7 [Pg. 93]**.
19. That the ICFRE has submitted its draft report sometime in July/August 2021 to the State of Chhattisgarh. The entire report was not made public but only Draft Final Executive Summary containing Background of the study, silent features, likely impacts, observations and recommendations was put in public domain. A true copy of the said Executive Summary of the ICFRE Report is

being marked and annexed herewith as **ANNEXURE A-8** [Pg. 194 to 138].

20. That the ICFRE has engaged the WII being the premier body on wildlife issues in the instant study whose report is Volume II of the ICFRE Report submitted to the State of Chhattisgarh. The WII report categorically ask for no mining permission except in the ongoing portion of the PEKB Mine. A true copy of the Executive Summary of the WII report titled "*Bio Diversity assessment with emphasis on select faunal groups in the Hasdeo Arand Coal Field, Chhattisgarh*" is being marked and annexed herewith as **Annexure A-9** [Pg. 139 to 148].
21. That a bare perusal of the aforesaid brief report of the ICFRE makes it apparent that the ICFRE has recognized that the NGT judgment in the Appeal No. 73 of 2012 filed by the applicant herein is the genesis of the necessity of the report, however instead of focusing on these specific questions asked by the NGT in its judgment as its Term of Reference, it has carried out a general study in which answers to these questions were also given without specific points. The said chart is being reproduced herein as follows;

ES 16. QUERIES OF THE PRINCIPAL BENCH OF NATIONAL GREEN TRIBUNAL (NGT) ALONGWITH THE JUDGMENT ISSUED ON 24.03.2014 TO MOEF & CC

Queries of National Green Tribunal (NGT)	Observation /Comments
1. What type of flora and fauna in	The pre-mining data on biodiversity are available in the EIA/EMP study report (as on

<p>terms of biodiversity and forest cover existed as on the date of the proposal in PEKB coal blocks.</p>	<p>December, 2016 for the PEKB Coal Block). However, the present study (2019- 2021) in terms of floral and faunal biodiversity, forest cover and forest types for buffer area of PEKB and adjacent are detailed under the respective chapters.</p>
<p>2. Is/was the PEKB coal block habitat to endemic or endangered species of flora and fauna.</p>	<p>Yes / was -the PEKB coal block habitat to rare, endangered and threatened flora and fauna. RET floral species observed in PEKB consists of <i>Aegle marmelos</i>, <i>Aristolochia indica</i>, <i>Drosera indica</i>, <i>Drosera burmanni</i>, <i>Uraria picta</i> and <i>Premna herbacea</i> RET faunal species - sloth bear (<i>Melursus ursinus</i>), four-horned antelope or Chousingha (<i>Tetracerus quadricornis</i>).</p>
<p>3. Whether the migratory route /corridor of any wild animal particularly elephant passes through the area.</p>	<p>Elephant occurrence was reported in 148 out of 647 forest compartments in HAC and surrounding landscape during the period 2018 to 2020 by the State Forest Department. A conservative estimate of about 40 to 50 elephants could use different parts of the landscape at different times of the year. The HAC and the surrounding landscape are part of the elephant range in northern Chhattisgarh and serves as both habitat and corridor for movement. The Korba Forest Division had reported the</p>

	<p>occurrence of tigers in the vicinity of HAC and the surrounding landscape. The habitat connectivity between Hasdeo - Arand area and Achanakmar Tiger Reserve, Boramdeo Wildlife Sanctuary and Kanha Tiger Reserve is strong, and may support sporadic tiger dispersal.</p>
<p>4. Whether the area of PEKB Block has that significant conservation /protection value so much so that the area cannot be compromised for coal mining with appropriate conservation /management strategies</p>	<p>Presently as per FSI (2017) the PEKB coal block has 9.11 sq.km area under moderately dense forest and 2.56 sq.km area under very dense forest. Shorea robusta is recorded to be dominant followed by Diospyros melanoxylon, Madhuca longifolia, etc., contributing to the highest IVI values. The diversity index value is low in both core and buffer area due to open cast mining operation disturbance. Therefore, it is suggested that the mining in PEKB may be allowed and to be continued with strict compliance / implementation of EC/FC conditions (detailed Reclamation and Rehabilitation plan, compliance to EC/FC and the observations/comments/recommendations made in this report under mine closure plan, sequential mining, biodiversity conservation, etc.)</p>

<p>5. What is their opinion about opening the PEKB coal block for mining as per sequential mining, reclamation methods proposed for regeneration of the flora; efficacy of mine closure plan and the tree translocated:</p>	<p>Detailed observations pertaining to opinion for PEKB coal block is provided in Chapter 8 of this report for sequential mining reclamation and rehabilitation of the flora in the mine lease area and efficacy of tree translocated trees.</p>
<p>6. What is their opinion about the Wildlife Management plan finally prescribed?</p>	<p>The wildlife management plan is a legal document prepared for management of the notified protected areas under the Indian Wildlife (protection) Act, 1972. Since HAC is not a protected area, hence, the term wildlife conservation plan is more appropriate in this context. The wildlife conservation plan of Parsa East and Kanta Basen open cast coal mine and washery project prepared by the project proponent is basic and generic in nature. Due to this, it requires substantial revision and the management prescriptions need to be spatially explicit and closely consider the ecological, behavioural and social dimensions of the landscape. A</p>

	<i>detailed review of the same was carried out and specific comments to improve the plan have been provided in Annexure I of WII report enclosed as Volume-II.</i>
<i>7. What conditions and restriction do they propose on the mining in question ie., sequential mining, if they favour such mining?</i>	<i>ICFRE- Suggestion and recommendation for further improving the mining environment in PEKB coal block are detailed in the Chapter 3 and 8 of this report WII- As certain portions of the PEKB coal block has already been opened for mining, the mining operation may only be permitted in the already operational mine of the block.</i>
<i>Answer to the above questions Sl. No. 1 – 3 are addressed in detailed in the Chapter-4, Chapter-5 and Chapter-6; question Sl. No. 4 pertains to compliance are discussed in the Chapter-4 floral diversity, Chapter-5 faunal diversity, Chapter-6 aquatic diversity and chapter -7 socioeconomic vis-à-vis biodiversity values, question Sl. No. 5 related to efficacy of mine closure plan are detailed in Chapter-8, efficacy of translocated trees in Chapter-9 and sequential mining in Chapter-8 of this report.</i>	

22. That the answers given by the WII on the questions raised by the NGT Judgment are almost similar except on further mining in the area in which ICFRE has allowed mining in Parsa, Kete Extension, Tara and PEKB block mostly under RRVUNL/Adani, contrary to the finding of the report. **Whereas the WII has recommended that no further area be put for mining except**

what has been already broken for mining. The answers given by the WII is being reproduced here for the ready reference;

Question wise answers sought by the Hon'ble NGT judgement on 24th March, 2014 is provided below:

“(i) What type of flora and fauna in terms of bio-diversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question? The faunal biodiversity that did occur in PEKB during the time of proposal has been reported in the EIA prepared by IIFM. The details have been provided in Chapter-7 of the report. The faunal inventory that presently occur HACF and the landscape surrounding it has been elaborated in Chapter-1 1

*(ii) is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna. **Yes, the PEKB coal blocks is/was habitat to rare, endangered and threatened fauna***

*(iii) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need. **Elephant occurrence was reported by the Forest Department in 148 out of 647 compartments in HACF and landscape surrounding it during the period 2018 to 2020. A conservative estimate of about 40 to 50 elephants could use different parts of the landscape at different times of the year. The HACF and the landscape surrounding it are part of the elephant range in northern Chhattisgarh and serves as both habitat and corridor for movement.***

The Korba Forest Division had also reported occurrence of tigers in the vicinity of HACF and the landscape surrounding it. **The habitat connectivity between Hasdeo - Arand area and Achanakmar TR, Boramdeo WS and Kanha TR is strong, and may support sporadic tiger dispersal.**

(iv) Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies. **Yes. The biodiversity assessment focusing on faunal aspects carried out by WII suggests that HACF has significant conservation value.** Nevertheless, the PEKB block is already operational during the time of WII's assessment and large tracts of forests have already been opened up for mining operations. Considering this, the proposed conservation/management strategies addressing the impacts of mining in PEKB coal block as described in Chapters 7,8 & 9 need to be complied with stringent monitoring by the State Forest Department.

(v) What is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora?2

(vi) What is their opinion about the Wildlife Management plan finally prescribed? The wildlife management plan is

a legal document prepared for management of the notified protected areas under the Indian Wildlife (protection) act, 1972. Since HACF is not a protected area, the term wildlife conservation plan is more appropriate. **The wildlife conservation plan of Parsa East and Kente Basen open cast coal mine and washery project prepared by the project proponent is basic and generic in nature.** Due to this, it requires substantial revision and the management prescriptions need to be spatially explicit and closely consider the ecological, behavioral and social dimensions of the landscape. A detailed review of the same was carried out and specific comments to improve the plan have been provided in Annexure I.

(vii) What conditions and restriction do they propose on the mining in question, if they favour such mining? As certain portions of the PEKB block has already been opened for mining, **the mining operation may only be permitted in the already operational mine of the block. The other areas in HACF and landscape surrounding it should be declared as "no-go areas" and no mining should be carried out considering the irreplaceable, rich biodiversity and socio cultural values."**

The HACF and the landscape surrounding it support rich biodiversity with a multitude of mammalian species including elephants and also harbours forest-dependent communities. Therefore, sustaining the forest cover and maintaining its overall ecological integrity is essential. It is pertinent that Chhattisgarh

Forest Department with due consultation and involvement of local communities identify areas within HACF and the landscape surrounding it for declaration as Conservation Reserve (CR) under the Wildlife (Protection) Act, 1972. Under the ambit of a CR, habitat improvement activities such as restoration of grasslands and restoration of degraded forests; improving surface water availability in relatively drier tracts during summer, regulating forest fires, and improving overall protection can benefit biodiversity.

23. That a bare perusal of the ICFRE Report's section of "Likely Impacts" makes it apparent that even ICFRE has stated that severe damage would be caused if mining is allowed in the region. The silent points on this aspect of the likely impact is being reproduced here for instant perusal;

***On Forest and flora:** Mining related land use changes will have negative impact on forest cover/density, forest type, forest fragmentation. In addition, forest fragmentation will contribute to decreased patch/corridor connectivity, increased edge effect, change in micro-climate and promote invasive species if not taken adequate mitigation measures.*

***On Terrestrial & avi fauna:** Infrastructure development and mining will have negative impact on quality habitat available due to fragmentation and mitigation will be a huge challenge. The effect of mining on elephant habitat may not reflect in the same habitat but could be a **silent trigger for Human Elephant Conflict (HEC)** in some other area within the landscape.*

***On drainage and aquatic diversity:** Mining in forested landscape involves significant land use changes that most likely*

result in geo-morphological/hydrological changes in the river water courses. Majority of the drainage that drains the core and buffer zone of the coal blocks are of primary and secondary feeder streams and therefore, they will be greatly affected due to retention, flow restriction, low discharge, reduced channel morphology, etc.

Socio-Economic: *Over 90% of the households are dependent on agriculture and forest produce for their livelihoods from forests. The forests also maintain the hydrological and other ecosystem services on which the locals are dependent for agriculture and other allied activities. Cumulative Impact of displacement due to mining operations will have serious impact on community in form of loss of livelihood, identity and culture.*

24. That despite noting the aforesaid severe likely impacts, the ICFRE has concluded that mining could be permitted in four Coal Blocks i.e. PEKB, Parsa, Tara and Kete Extension without suggesting as to how the damage could be mitigated since clearances are either already granted or at advance stage of grant for these blocks. The said portion of the recommendations is being reproduced here for instant perusal;

The allotted four contiguous coal blocks falling within the Gej-Jhink watershed viz., Tara, Parsa , PEKB & Kente Extension that are either already opened or in advance stage of getting the statutory clearances/ToR approved, can be considered for mining with strict environmental safeguards including appropriate conservation measures for management of surface water and biodiversity.

It is necessary to point out that all these permissions have been granted by stating that they are subject to final outcome of the instant appeal hence such clearances ought not to be considered as reason for allowing mining in these four blocks by the ICFRE too. It is further pertinent to mention that the ICFRE has recommended "No Mining" in the all remaining Coal Blocks of the Hasdeo Arand region.

25. That it is also important to point out that the ICFRE has tried to differentiate amongst these four coal blocks and the remaining coal blocks on the ground that these four coal blocks falls in the different watershed a logic which has been dismissed by the NGT in its judgment. However it is shocking to note that the ICFRE despite knowing the fact that the Gej-Jhink watershed is no different watershed since Gej itself merges with Hasdeo River and forms part of the same and one watershed i.e. of Hasdeo River, made blatant attempt to help RRVUNL/Adani. As per the information of the water resource department, Gej River, is one of the tributaries of the Hasdeo River, originates from the hills on the west of the central plateau in Koriya District. It flows past Baikunthpur and receives the waters of the Jhink and the Atem from the left. After that it drains into the Mahanadi through the Hasdeo River. Thus the findings of the ICFRE and its attempt to divide the One Watershed in to different tributaries of the Hasdeo is a blatant attempt to help the RRVUNL the company which has funded the study and Adani who is mining in the RRVUNL Blocks as MDO. It is noteworthy that entire water of all these tributaries ultimately go to the Hasdeo Bango Dam situated in the downstream which incidentally is the largest irrigation infrastructure of the State.

26. That the ICFRE's recommendations with regard to other coal blocks which has similar bio diversity and other environmental and social features wants the forest area to be treated as Bio Conservation Area(BCA) in following terms;

Total of 337 forest compartments covering an area of 938 sq.km in Chornai watershed and 140 forest compartments covering an area of 330.51 sq.km in Ton-Teti watershed are suggested for Biodiversity Conservation Area (BCA) exempting PEKB & Parsa compartments.

The aforesaid observation clearly demonstrate that the ICFRE was extra ordinarily concerned about allowing mining in PEKB, Parsa, Kete Extension Coal Blocks belonging to RRVUNL/Adani. However it is pertinent to mention that the aforesaid finding proves that both PEKB and Parsa falls in the Hasdeo Watershed area and does not falls in any different watershed, a reason given by the Hon'ble Minister while passing the order dated 23.06.2011.

27. That it is further pertinent to mention that the ICFRE has also relied on certain anthropocentric reasons like coal demand and supply and presence of a rail line which itself does not have any Under/Over pass for wild animals specially elephants while recommending mining in these four coal blocks without realizing that the NGT has already condemned the reliance of any anthropocentric reasons while carrying out any Environmental Decision Making in the impugned judgment.
28. That in the vegetation cover map attached to the ICFRE brief report it is apparent that the four coal blocks which have been permitted for coal mining consists large portion of the Very Dense Forest (VDF) with 0.7 crown density and above. Such forest is

only around 2% in the country and needs to be saved at any cost. Even the FAC while considering Parsa Coal Block has asked for removal of the VDF portion from the mining proposal. The ICFRE is well aware of the importance of the VDF yet its recommendation smacks of extraneous considerations rather than eco-centric reasons. Similarly the drainage pattern map attached to the brief report of the ICFRE consciously does not denote the rivers and streams in the Gej-Jhink watershed as the same would demonstrate that the Gej river ultimately merges with Hasdeo and forms part of the same water shed negating all the reasons on which a distinction could be created for these coal blocks from other coal blocks of the area for allowing mining.

29. That in nutshell it could be concluded that the ICFRE has made its recommendation with a pre-meditated mindset to allow coal mining in these Four Coal Blocks namely PEKB, Parsa, Tara and Kete Extension for obvious reasons and has given no reasons as to why WII's recommendations should not be accepted in this regard. It is further pertinent to mention that all the assertions of the applicant herein that the area is very rich in bio diversity, an Elephant corridor and habitat, forms part of crucial watershed of Hasdeo River and Hasdeo Bango Dam proved correct by the findings of these report. Considering the fact that the environmental conditions of the EC granted to PEKB have been violated blatantly, the mitigation is not possible and thus no mining could be permitted in any of the coal block of the Hasdeo Arand area including PEKB Mine.
30. That despite there being clear recommendation of WII against opening up any more area for mining, the MoEFCC acting in undue haste issued Stage II Forest Clearance order for Parsa

Coal Block on 21.10.2021. It is necessary to recall that while granting the Stage I clearance the FAC and MoEFCC has opined that final clearance Stage II would only be considered after the outcome of the instant appeal. The instant appeal is still pending and without coming before this Hon'ble Court the Final Clearance by the MoEFCC has been granted. A true copy of the MoEFCC Order dated 21.10.2021 granting Stage II forest clearance is being marked and annexed here with as **Annexure A-10 [Pg. 149 to 153]**.

31. That all the coal blocks of the Hasdeo Arand areas were classified as NOGO in the joint study conducted by the MoEFCC and MOC in 2009-11. It is further pertinent to mention that in the subsequent exercise of the classification of the coal blocks in to the "Violate" and "In-Violate" category by Forest Survey of India, Tara, Parsa, Kete Extension Coal Blocks were classified as InViolate. The FSI in 2014 provided a list of "*inviolated*" coal blocks and a bare perusal of the same reveals that most of the Hasdeo Arand Coal Fields Blocks (100% NOGO) have been categorized as "*inviolated*". The "Parsa" "PEKB" and "Kete Extension" all have been categorized as "*inviolated*". It is shocking to note that despite being aware of the same the ICFRE has suggested mining in these coal blocks. A true copy of the list of the "*inviolated*" coal blocks prepared by the FSI is marked and filed herewith as **Annexure A-11 [Pg. 154 to 156]**.

31. That the long pending Lemru Elephant Reserve has been finally notified on 7th October 2021 i.e. subsequent to submission of ICFRE Report. By the notification issued in this regard an area of 1995.48 Sq KM has been included from Sarguja, Katghora, Korba and Dharamjaigarh Forest Division in the Lemru Elephant

Reserve. A true copy of the Lemru Elephant Reserve Notification dated 07.10.2021 is marked and annexed as **ANNEXURE A-12 [Pg. 157 to 163]**.

32. That in a sinister design, the MoEFCC has first delayed the Study by ICFRE/WII which was sought to be done in a reasonable time by the NGT, termed the project fait-accompli, then went on to grant certain permissions, which were used by the ICFRE now to grant a favorable recommendation out of its mandate which is in contravention of the WII recommendation itself, the MoEFCC is now conducting an exercise akin to farce of considering these reports to pass a reasoned order as directed by the NGT. It is crystal clear that the MoEFCC is going to allow mining in this area because of its past conduct and its consideration now is nothing but a farce. It is further evident from the following facts.
33. That the ICFRE has submitted its report when the Lemru Elephant Reserve was not notified. In the light of the fact that Lemru Elephant Reserve has been notified now, the ICFRE ought to re-consider its recommendations of allowing coal mining in these blocks as all of them falls within 10KM of buffer area of the Elephant Reserve. The Forest Clearance proposals of all the mines are also required to be appraise again. Further the Environmental Clearance and Forest Clearance proposal of all the coal blocks including the PEKB is required to be sent to National Board of Wild Life in the light of this Hon'ble Court order passed on 4th December 2006 in WPC 460 of 2004. It is further pertinent to mention that Forest Clearance Forms require a certificate from concern DFO that whether existence of any wild life reserve within 10km of the forest diversion proposal lands,

and if the answer is in affirmative than the appraisal has to be done in a different manner.

34. That it is important to note that the State of Chhattisgarh has formulated a proposal of a 3827 Sq km area to be included in the Lemru Elephant Reserve as the Elephant has been a nomadic animal and travel long distances. Many Elephant Reserve in the country has been created in 3000 to 6000 Sqkm area. In the proposal of the 3827 Sq KM all these coal blocks Tara, Parsa and Kete Extension except the ongoing mining area of PEKB Mine were included. It is further pertinent to mention that the State of Chhattisgarh has sent an official objection letter to Ministry of Coal on 11th January 2021 when the MOC has issued a notification under the Coal Bearing Area Acquisition and Development Act 1957 for acquisition of Land and forest of Kete Extension Coal Block while citing the inclusion of the said land in the Lemru Elephant Reserve as main reason. Considering the above fact, the mining could not be allowed in all these coal blocks. A true translated copy of the State of Chhattisgarh Letter dated 19.01.2021 objecting the land acquisition of the Kete Extension coal block is being marked and annexed herewith as **ANNEXURE A-13 [Pg. 164 to 166]**.
35. That in the meantime the State has forwarded the proposal to use Second Phase 1136 Hect Forest Land of the PEKB which was supposedly allowed only after 2021 i.e. after 15 years. The said proposal was ought not to be considered in view of the Pending Instant Appeal yet the same was considered.
36. That the RRVUNL has applied through a letter dated 09.09.2020 to change the condition of the FC which prevents use of second

phase forest land i.e. 1136 Hect before expiry of 15 years i.e. 2027. The reason given in the same is clearly an admission of the faulty mining plan as well as a clear change/deviation from the original mining plan. A true copy of the RRVUNL letter dated 09.09.2020 is being marked and annexed herewith as **ANNEXURE A-14 [Pg. 167 to 168]**.

37. That the MoEFCC is acting in a biased manner is further proved in the FAC minutes dated 28.10.2021 as FAC has not mentioned anything about the objections filed by one NGO Chhattisgarh Bachao Andolan. As per practice any objection filed ought to be reflected in the minutes but the same has been concealed. Even the notification of the Lemru Elephant Reserve has not been mentioned. It is submitted that the PEKB Block falls within 10 KM Buffer of the Lemru Elephant Reserve thus the mining proposal ought to be rejected. A true copy of the objections dated 27.10.2021 filed by the Chhattisgarh Bachao Andolan is marked and filed herewith as **ANNEXURE A-15 [Pg. 169 to 176]**.
38. That the FAC was also aware that Ministry of Law and Justice's view with regard to the orders passed by this Hon'ble Court has been sought earlier and same was still pending yet the matter was considered by the FAC. The said request letter dated 09.09.2020 of RRVUNL was also considered by the FAC in its 28.10.2021 meeting yet it chose to ignore the violation. A true copy of the FAC minutes dated 28.10.2021 is marked and filed herewith as **Annexure A-16 [Pg. 177 to 185]**.
39. That the FAC instead of considering the reports of the ICFRE and WII both, as per the minutes of the FAC shows that only ICFRE report was discussed and there is no mention of the WII report or

its recommendations. It is submitted that both the reports in clear terms has warned about the irreparable damages any mining would cause to the fragile eco-system of the Hasdeo Arand Forest yet it is irony that the ICFRE has concluded that since certain permission have been granted to Parsa, PEKB and Kete Extension Coal Blocks (all belonging to RRVUNL/Adani), they could be considered for mining whereas the WII report categorically asked for No Mining in the entire area except the PEKB already open portion.

40. That the project proponent have been submitting misleading reports to the MoEF &CC with regard to the compliance of the conditions of Environmental Clearance and Forest Clearance. The FAC itself has noted non implementation of compensatory afforestation and of the Wild Life Management Plan which is actually much deficient.
41. That the respondent MoEFCC and project proponent wants to coverup entire matter by using this ICFRE report whose recommendations are contrary to its own findings and WII recommendations. It is interesting to note that the MoEFCC took different legal advice which ever suits to facilitate more clearance. In 2014 it took legal advice of its Standing Counsel of Supreme Court who wrongly opined that the NGT Judgment has been stayed in toto. In 2018 it took advice from ASG which has concluded that all the blocks are separate and could be considered separately. Both the above advices now proved to be incorrect as the NGT is not hearing any appeal challenging adjacent blocks on the ground that all are connected and the instant appeal is pending. Similarly, this Hon'ble Court has inquired about the compliance of the directions issued by the

NGT. That at this stage when the legal advice from Ministry of Law is pending it is acting on the legal opinion given by the State Govt's counsel that the ICFRE Report (Bio Diversity Report) is in accordance of the NGT Judgment. The same is factually incorrect has been demonstrated in the instant application in preceding paras. All of the aforesaid facts are apparent from the bare perusal of the FAC minutes dated 28th October 2021 with regard to PEKB Coal Mine proposal by which the 2nd phase land i.e. 1136 Hectare have been sought six year prior to its proposed date 2027.

42. That the production capacity enhancement from 10 to 15 MT PA has been done by changing the original mining plan on whose basis the clearance has been granted. The FAC as well as the FC Division of the MoEFCC has restricted the RRVUNL not to change the mining plan but the same was changed thus a clear violation yet the FAC has not noticed the same in its 28th October 2021 meeting.
43. That the Sub Committee formed by the FAC in its 28th October 2021 meeting so called visit of the area was kept in complete secrecy as the Local People wanted to file objections and submits proofs of violations of the existing conditions committed by the RRVUNL/Adani in the ongoing Mine. Nobody knows where and when this subcommittee visited in complete violation of the principle of Natural Justice. A true copy of the objections, dated 22.12.2021, filed by the Chhattisgarh Bachao Andolan for FAC meeting of 23.12.2021 is marked and filed herewith as **ANNEXURE A-17 [Pg. 186 to 195]**.

44. That in the 23.12.2021 FAC meeting, in a pre-meditated mindset the FAC approved the RRVUNL request an allow mining in second phase forest land atleast 5 years before the original schedule. The sub-committee report was also not made public and no answers were given on the objections filed by the NGOs. A true copy of the FAC minutes dated 23.12.2021 is being marked and filed herewith as **ANNEXURE A-18 [Pg. 196 to 202]**.
45. That the MoEF &CC considering and granting permissions to coal blocks which are almost 100% dense forest like Kete Extension whose 1746 Hectare Area is Dense Forest of 0.6 Density against the total coal block area of 1760 Hectare. This entire forest forms part of the catchment of the Hasdeo river. The area is very rich in bio diversity and has been classified as "*inviolable*" by the FSI as apparent from the list. It is further necessary to point out that the Kete Extension Coal Block was not allowed for mining even by 23.06.2011 Order of the Minister of Environment and Forest which was quashed by the NGT by the impugned judgment.
46. It is humbly submitted that as per the Forest Conservation Rule 2003, Rule 7 (2) (c) and entry (8) of the Part II of the Forest Land Diversion form, the respective Governments are obliged to identify and compare all other available alternatives (other coal blocks in this case) in terms of bio diversity richness while proposing any area for diversion. It is crystal clear that even Chhattisgarh State has so many deposits which have been categorized as "GO" areas in the earlier study, there was no justification for allowing diversion of any coal block in the pristine forest like Hasdeo Arand. The clearance of "NOGO" Coal Blocks ought to be considered only in the case when all other viable coal

deposits of the "GO" category have been exhausted and situation is wholly unavoidable but to mine in "NOGO" areas.

47. It is further submitted that in the instant case the Power Plants of the appellant RRVUNL are situated around 800-1000 KM away from the PEKB Coa Block whereas the Sohagpur Coal Field whose 80% coal blocks have been classified as "GO" areas is situated 200 km lesser distance. As per Railway Freight the cost of landed coal at the power plant of the appellant would be around Rs. 300 To 400 less then what it is coming today. Thus, there is no justification whatsoever to open up such pristine forest like Hasdeo Arand for coal mining for the appellant's power plants. Recently the Union of India has identified 99 Coal Blocks for allotment/auction in which 18 are of Madhya Pradesh. These Blocks could be considered for allotment to RRVUNL considering their much less Forest cover other factors. A true copy of the list of the 99 Coal Blocks offered by the Ministry of Coal is marked and filed herewith as **Annexure A -19 [Pg. 203 to 205]**.
48. That the entire chronology shows that directions of the NGT were deliberately and purposefully not followed by the MoEFCC in order to help the project proponent and its MDO partner Adani. The MoEFCC has acted in an arbitrary, biased and *mala fide* manner while dealing the instant matter. The entire process adopted by the respondent MoEFCC clearly shows that the intention was always to create a "fait accompli" situation so that no real study could ever be undertaken and before that it has issued certain clearances which in turn adopted as reasons to allow mining by ICFRE. In the aforesaid circumstances and with the overwhelming evidence of Rich Bio Diversity presence in the area and also considering the fact that the Lemru Elephant

Reserve has been now notified and PEKB falls with 10 KM of its boundary no mining should be allowed in the entire region.

49. This Hon'ble Court under the principle of providing complete justice is expected to issue directions to stop all mining in the Hasdeo Arand region and restoration of the area in its original form. Hence the matter ought not to be allowed to be sent for its decision again as per the directions of the NGT and this Hon'ble Court should hear the matter at length and decide the issues raised originally in the interest of complete justice.

PRAYER

In these circumstances stated above, the Applicant prays that this Hon'ble Court may be pleased to:

- (a) issue a direction to declare that the no mining should be allowed in the Hasdeo Arand Forest Region including in PEKB Mine;
- (b) issue a direction to the respondent MoEF & CC and State of Chhattisgarh, to stop all non-forest activity in the Hasdeo Arand Forest Region and specifically in PEKB, Parsa, Kete Extension and Tara Coal Block;
- (c) issue a direction to the effect to restore the area in the Hasdeo Arand Forest Region and specifically in PEKB, Parsa, Kete Extension, and Tara Coal Block;
- (d) issue a direction to the effect to quash all the permissions and clearances granted to PEKB Block for violating the conditions of the environmental and forest clearances;
- (e) issue any other direction deem fit in the facts and circumstances of the case including awarding the cost of the litigation.

AND FOR THIS ACT OF KINDLNESS THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.

Applicant/Respondent No.1

Through


NEHA RATHI

(AOR for Applicant/Respondent No.1)

New Delhi

Dated: 05.01.2022



TRUE COPY

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

IA NO. _____ OF 2021
IN
CIVIL APPEAL NO. 4395 OF 2014

IN THE MATTER OF:

RAJASTHAN RAJYA VIDYUT UTPADAN
NIGAM LIMITEDAPPELLANT
VERSUS
SUDIEP SHRIVASTAVA & ORS. .. RESPONDENTS

**APPLICATION TO BRING SUBSEQUENT FACTS AND
DOCUMENTS ON RECORD AND FOR APPROPRIATE
DIRECTIONS IN THE MATTER**

MOST RESPECTFULLY SHEWETH :

1. That the instant appeal has been filed by the appellant challenging the NGT Judgment dated 24th March 2014 in Appeal No. 73 of 2012 filed by the respondent no. 1 herein. The Hon'ble NGT has quashed the Order of the Minister of Environment and Forest dated 23.06.2011 and the Forest Clearance dated 28.03.2012 granted to the Parsa East Kete Basan (herein after referred as PEKB) Coal Block by the State of Chhattisgarh.

2. That the aforesaid judgment contains several directions which the respondent herein would like to reproduce for the sake of convenience ;

"Hence, the order:

1. Order dated 23rd June, 2011 passed by the respondent no. 2- MoEF Government of India and consequential order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the Forest (Conservation) Act 1980 for diversion of forest land of PEKB Coal Blocks are set-aside;

2. The case is remanded to the MoEF with directions to seek fresh advice of the FAC within reasonable time on all aspects of the proposal discussed herein above with emphasis on seeking answers to the following questions: (i) What type of flora and fauna in terms of bio-diversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question. (ii) is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna. (iii) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need. (iv) Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies. (v) What is their opinion about opening the PEKB Coal Blocks for mining as

per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora? (vi) What is their opinion about the Wildlife Management plan finally prescribed. (vii) What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialised knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.

3. The MoEF shall pass a reasoned order in light of the advice given by the FAC in accordance with law and pass appropriate order in accordance with law.

4. All work commenced by the respondent no. 3 project proponent and respondent no. 4 pursuant to the order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the FC Act 1980, except the work of conservation of existing flora and fauna, shall stand suspended till such further orders are passed by the MoEF in accordance with law.

5. No order as to costs."

3. That this Hon'ble Court by way of its order dated 28.04.2014 passed in the instant appeal have stayed the

Direction Number 4 of the aforesaid Judgment whereas the Judgment or other directions were not stayed.

4. That the respondent MoEFCC in a deliberate stand has not implemented the aforesaid directions and since 2017-18 onwards started considering and clearing other projects of the Hasdeo Arand region which are adjacent to PEKB Block namely Parsa and Kete Extension. It is submitted that the Parsa Coal Block is also covered by the Minister MoEF order dated 23.06.2011 which was quashed by the NGT. It is submitted that the NGT Judgment is still effective and all the permissions granted till now are null and void.
5. That not only the MoEFCC has not implemented the directions of the NGT judgment it has termed the PEKB case as Fait-Accompli.
6. That in the aforesaid circumstances the respondent no. 1 herein in the instant appeal has filed an application for directions (IA No. 53863 of 2019 in CA No. 4395 of 2014) on which notice was issued on 02-04-2019 by this Hon'ble Court. The aforesaid application interalia contains detail averments related to how as the other respondents specially MoEFCC have not complied all such directions of the impugned judgment which were not stayed by this Hon'ble Court and moreover granted more permissions to the appellant herein in violation of the said judgment.
7. That the applicant herein has further filed another application to bring Subsequent events and documents on

record in January 2022 in which the WII Report and the ICFRE Report have also been annexed. While the WII report categorically averse to any more mining permission in the Hasdeo Arand Forest Area, the ICFRE Report is same in sums and substance but it has adopted an anthropocentric approach to overturn the WII recommendations in the same manner in which the then Minister of Environment & Forest has overturned the FAC recommendations. It is pertinent to mention that the NGT in its judgment has taken a stern view on taking anthropocentric view instead of eco-centric view while any environment related decision making.

8. That on the basis of the ICFRE report and disregarding the WII report, the respondent State of Chhattisgarh has issued following more permissions to facilitate more mining in the eco sensitive area of the Hasdeo Arand which would lead to almost 5 Lakh tree felling.
 - a. On 02.02.2022 the MoEFCC FC Division granted the permission to mine in the Parsa East Kete Basan (PEKB) Phase II Forest Area which was supposed to be issued only after 15 years of mining i.e. in 2028 as per original Forest Clearance. Considering the fact that original clearance has already been quashed yet this permission has been granted. A true copy of the Order issued by the MoEFCC FC Division dated 02.02.2022 is being marked and filed herewith as **Annexure A-1 (Pages 11 to 12)**.

- b. On the strength of the same, the State of Chhattisgarh on 25.03.2022 has issued the Forest Land Diversion Permission for the Parsa East Kete Basan Phase II mining in 1136 Hectare Forest Land. A true copy of the Order issued by the State of Chhattisgarh dated 25.03.2022 is being marked and filed herewith as **Annexure A-2 (Pages 13 to 15)**.
- c. The State of Chhattisgarh on 06.04.2022 granted permission to divert 841.538 Hectare forest land of Parsa Coal Block after the demarcation of the Forest Land. A true copy of the State of Chhattisgarh order dated 06.04.2022 is being marked and filed herewith as **Annexure A-3 (Pages 16 to 21)**.
9. That despite there being NGT Judgment and directions effective in the instant matter and the pendency of the instant appeal, the clearances and permissions granted by the MoEFCC and the State of Chhattisgarh undermines the authority of the judicial system.
10. That a careful reading of the MoEFCC order dated 02.02.2022 and State Govt permission dated 25.03.2022 would reveal that the conditions imposed by the MoEFCC have not been implemented by the State and it has merely Copy Pest all the conditions without acting on the same. Like the recommendation made in the BAR ought to have been incorporated in the Wild Life Management Plan before any permission is granted. However without

amending the WMP and putting it in public domain, the permission to use second phase forest land has been accorded.

11. That the first phase of fifteen years of the PEKB Mine had a minable reserve of around 140 Million Ton of coal considering the original capacity of 10 MTPA. As per a chart shown in the RRVUNL document, even after enhancing the Mine Capacity from 10 MTPA to 15 MTPA by 2020-21 the coal produced from the PEKB was only 72.74 Million Ton. Thus at-least 67 Million Ton minable Coal was available in 2021. Considering the above the same would last for atleast till 2025 @ 15 MTPA. Thus there is no need of allowing mining in the second phase forest land of 1136 Hectare now. The RRVUNL has been raising untenable reasons to allow mining in the 2nd phase area now as the minable reserve of first phase has still not exhausted. A true copy of the RRVUNL chart dated nil about yearly production from PEKB Mine is being marked and filed herewith as **ANNEXURE A-4 (Page 22)**.
12. That the International Panel on Climate Change (IPCC) has recently submitted its report in the aspect of climate change due to Fossil Fuel (Coal etc) burning and has warned the World community that the time is running out to take immediate mitigation measures in this regard. It is pertinent to mention that in the instant matter it is not only coal being mined for burning but in the course of the same Dense Forest which act as sink for CO₂ is being cut. A true

copy of the Summary for the Policy Makers of the IPCC Report 2022 is being marked and annexed here with as **ANNEXURE A-5 (Pages 23 to 86)**.

PRAYER

- (I) Allow this application and the facts and documents be taken on record.
- (II) Kindly issue a direction to stay the effect of the orders and permissions granted by the orders dated 02.02.2022 issued by MoEFCC and dated 25.03.2022 and dated 06.04.2022 issued by the State of Chhattisgarh.
- (III) Issue any other direction deem fit in the facts and circumstances of the case including awarding the cost of the litigation.

THROUGH:



(NEHA RATHI)

ADVOCATE FOR RESPONDENT NO.1

NEW DELHI
DATED: 05.04.2022

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A NO. _____ OF 2022
IN
CIVIL APPEAL NO. 4395/2014

CANCELLED

IN THE MATTER OF:

RAJASTHAN RAJYA VIDYUT UTPADAN NIGAM LIMITEDAPPELLANT

VERSUS

SUDIEP SHRIVASTAVA & ORS.

.. RESPONDENTS

AFFIDAVIT

I, Sudiep Shrivastava aged about 53yrs, S/o Late Shri V. P. Shrivastava residing at Mungeli Naka, Bilaspur, District Bilaspur, Chhattisgarh, presently at Bilaspur do hereby solemnly affirm and say as under :-

- 1) I say that I am the respondent no. 1 in the abovementioned Civil Appeal and as such am aware of the facts and circumstances of the case and am competent to swear this Affidavit.
- 2) I say that the contents of the accompanying applications to bring subsequent facts & documents on record & for appropriate directions, and application for exemption from filing official translation have been drafted as per my instructions and contents thereof are true to my knowledge and belief and nothing material has been concealed there from.
- 3) I say that Annexures A-1, A-4, A-5 are true copy of its respective original and Annexure A- 2 and A-3 are true translated copy of its respective original.



Sudiep Shrivastava

DEPONENT

VERIFICATION

Verified that the contents of para 1 to 3 of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Verified on this 05 day of May, 2022 at Bilaspur Chhattisgarh.

रवीन्द्र शर्मा

DEPONENT

M. Vajpai
Attested by me



05 05 2022
Sandeep S/o V.P. Sharma
Bilaspur
Attested by - M. Vajpai Adv
[Signature]

Jurnal

//True Copy//

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Writ Petition (C) No.1346 of 2016

1. Forest Right Committee Ghatbarra, through its President Banas Kumar, S/o Shri Sundar Sai, aged about 40 years, R/o Village Ghatbarra, Tehsil Udaypur, District Sarguja (C.G.)
2. Hasdeo Arand Bachao Sangharsh Samiti, through its Convenor Umeshwar Singh Armo, S/o Shri Siyambar Singh, aged about 35 years, R/o Village Jampani, Post Madanpur, Tehsil Podi, District Korba (C.G.)
3. Jainandan Singh Porte, S/o Shri Sukul Ram, aged about 40 years, R/o Village Ghatbarra, Tehsil Udaypur, District Sarguja (C.G.)

---- Petitioners

Versus

1. Union of India, through Secretary, Ministry of Environment and Forest, Government of India, Paryawaran Bhawan, C.G.O. Complex, Lodhi Road, New Delhi – 110003
2. Union of India, through Secretary, Ministry of Tribal Affairs, Government of India, Shastri Bhawan, New Delhi – 110001
3. State of Chhattisgarh, through Secretary, Department of Forest, Mantralaya, Naya Raipur (C.G.)
4. District Level Forest Rights Committee (DLC) Sarguja, through O/o Collector (Tribal Welfare), Ambikapur, District Sarguja (C.G.)
5. Rajasthan Rajya Vidyut Utpadan Nigam Ltd., Vidyut Bhawan, Jyoti Nagar Janpath, Jaipur (Rajasthan)

---- Respondents

SB

Hon'ble Shri Justice Sanjay K. Agrawal

8	
30/09/2022	Mr. B.P. Sharma, Ms. Shalini Gera and Ms. Sameeksha Gupta, counsel for the petitioners.



Mr. Tushardhar Diwan, Central Government Counsel for respondents No.1 & 2 / Union of India.

Mr. Chandresh Shrivastava, Additional Advocate General for the State / respondents No.3 & 4.

Dr. N.K. Shukla, Senior Advocate with Mr. Shailendra Shukla, Advocate for respondent No.5.

Heard on I.A.No.5 for grant of interim relief / stay.

This application has been made on behalf of the petitioners seeking relief that felling of trees and any further destruction of forests of Village Ghatbarra, viz., Forest Compartments P-2002, P-2003 and P-2004 be stayed till the final disposal of the present writ petition, as in the writ petition notices have been issued on 13-6-2016 and return-rejoinder have been filed and hearing of the petition is likely to take time.

Reply has been filed by the State / respondents No.3 & 4 and also by respondent No.5 opposing the said application vehemently.

Mr. B.P. Sharma, learned counsel appearing for the petitioners, would submit that the writ petition has been entertained by this Court and is pending consideration since 11-5-2016 and return / reply has been filed by the respondents and since the respondents are felling trees, blocking off the access to the forests by barricading roads and putting Forest Rights Holders / villagers including the petitioners in confinement which is completely illegal and unjust, and number of trees are being cut, and on 27-9-2022, 5,000 tall & ancient trees have been felled in less than 12 hours and documents evidencing the said fact has been filed as Annexure A-1. He would further submit that



felling of trees is continuing which has been reported in the newspapers and which is completely illegal and the Vidhan Sabha of the State of Chhattisgarh has passed a resolution unanimously seeking to end all coal mining in Hasdeo Arand forests of which the impugned forest land is one part. This act of the respondents is absolutely illegal, therefore, till the matter is heard finally or till the next of hearing, felling of trees be stayed.

Mr. Chandresh Shrivastava, learned Additional Advocate General appearing on behalf of the State / respondents No.3 & 4, would submit that the forest rights granted to the villagers of Village Ghatbarra Gram Sabha on 3-9-2013 have already been cancelled vide order dated 8-1-2016 which has been sought to be challenged in this writ petition, but even much prior to grant of forest rights, sanction was already granted for diversion of forest land in accordance with law and the Ministry of Environment, Forest & Climate Change had already granted forest clearance allowing forest diversion of 1898.328 hectares of forest land for PEKB Open Cast Mining Project way back on 15-3-2012 and thereafter, the Central Government on 2-2-2022 accorded approval for commencing phased mining in the balance area of 1136 hectares of forest land in respect of the proposal involving non-forestry use with the conditions prescribed therein. On the basis of the said approval, proper scheme was prepared for phase-wise cutting of trees in the mining area and vide order dated 5-5-2022, permission for 43.630 hectares of forest land has been allowed subject to the conditions imposed to be complied for cutting of trees. Copies of orders dated 2-2-2022, 25-3-2022 and 5-5-2022 have been filed as Annexures D-1, D-2 & D-3. He would further submit that so far as the issue with respect to Parsa East Kete Basen Coal Block, the matter is sub judice before the Supreme Court and as



	<p>such, the application for interim relief deserves to be rejected.</p> <p>Dr. N.K. Shukla, learned Senior Counsel appearing for respondent No.5, would submit that in Appeal No.73/2012 (Sudiep Shrivastava v. State of Chhattisgarh and others), order dated 28-3-2012 passed by the State Government granting approval for diversion of forest land for PEKB Coal Block was challenged before the National Green Tribunal (NGT) and the said appeal was allowed by the NGT quashing the said order and also the earlier order dated 23-6-2011 against which SLP was preferred before the Supreme Court vide Civil Appeal No.4395/2014 (Rajasthan Rajya Vidyut Utpadan Nigam Ltd. v. Sudiep Shrivastava and others) and the order of the NGT was stayed by the Supreme Court by order dated 28-4-2014 and thereafter, interlocutory application has been filed by the respondent therein seeking interim relief pursuant to the order dated 28-4-2014. Two IAs have been filed before the Supreme Court vide Annexure R-5(18) on 13-4-2022 and vide Annexure R-5(20) on 4-5-2022 seeking stay of orders dated 2-2-2022 and 25-3-2022 issued by the State of Chhattisgarh. In the said IAs, notices have been issued to all the parties therein and now, the matter is fixed before the Supreme Court on 13-10-2022. In that view of the matter, the matter is sub judice before the Supreme Court, therefore, the application for interim relief deserves to be rejected.</p> <p>I have considered the rival submissions made on behalf of the parties and perused the material available on record.</p> <p>Order dated 28-3-2012 passed by the State of Chhattisgarh granting approval for diversion of forest land for PEKB Coal Block was set aside by the order of the NGT dated 24-3-2014 and it was directed that all work commenced by respondent No.5 herein shall stand suspended against which respondent No.5 filed Civil Appeal</p>
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No.4395/2014 and that order was stayed by the Supreme Court on 28-4-2014. Meanwhile, community forest rights under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 to the villagers of Village Ghatbarra was granted and it has been cancelled by the impugned order dated 8-1-2016 which has been called in question in the instant writ petition. Thereafter, on 2-2-2022, Ministry of Environment, Forest & Climate Change granted approval for commencement of Phase-II mining operations in the balance 1136 hectares of forest land in respect of the proposal involving non-forestry use in favour of respondent No.5 and pursuant to the order dated 2-2-2022, the State Government vide Annexure D-2, passed order dated 25-3-2022 for diversion of forest land and thereafter, the Additional Principal Chief Conservator of Forests (Production), Chhattisgarh, by order dated 5-5-2022, granted permission for 43.630 hectares of forest land subject to the conditions imposed to be complied for cutting of trees. Thereafter, in the SLP before the Supreme Court, two IAs have been preferred which have been filed in the present writ petition by respondent No.5 herein as Annexures R-5(18) – application for urgency in terms of the circular dated 24-6-2021 and also Annexure R-5(20) – application seeking stay of orders dated 2-2-2022, 25-3-2022 & 6-4-2022, in which the Supreme Court by order dated 10-5-2022 is pleased to issue notices to the respondents therein and directed to file reply and thereafter, the matter has been fixed on 13-10-2022.

Pursuant to order dated 2-2-2022 issued by respondents No.1 & 2, the Central Government has accorded approval for commencing Phase-II mining operations in the balance area of 1136 hectares of forest land in respect of the proposal involving non-forestry use in



favour of respondent No.5 in Villages Parsa & Kete, Tahsil Udaipur, District Surguja, subject to conditions mentioned therein and thereafter, order dated 25-3-2022 has been passed by the State Government and subsequently, vide order dated 5-5-2022, permission for 43.630 hectares of forest land has also been accorded by the competent authority for cutting of trees subject to the conditions imposed therein. In the SLP pending before the Hon'ble Supreme Court, stay of orders dated 2-2-2022 & 25-3-2022 has been sought by filing IAs which are pending consideration before the Hon'ble Supreme Court and the matter is fixed for consideration on 13-10-2022 and more particularly orders dated 2-2-2022, 25-3-2022 & 5-5-2022 have not been questioned in the instant writ petition till this date, I am not inclined to grant interim relief as claimed by the petitioners. Accordingly, I.A.No.5 is rejected.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

//True Copy//

SLPC 18103/2022

1

ITEM NO.28

COURT NO.2

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.18103/2022

(Arising out of impugned final judgment and order dated 30-09-2022 in IA No.5/2022 passed by the High Court of Chhatisgarh at Bilaspur)

HASDEO ARAND BACHAO SANGHARSH SAMITI & ANR. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With I.R. and IA No.154263/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.154264/2022-EXEMPTION FROM FILING O.T.)

Date : 13-10-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. C.U. Singh, Sr. Adv.
Ms. Anindita Pujari, AOR
Ms. Shalini Gera, Adv.
Mr. Gautam Bhatia, Adv.
Mr. Azad Bansala, Adv.
Ms. Prakriti Rastogi, Adv.
Ms. Bidya Mohanty, Adv.

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.
For R-5 Mr. Kartik Seth, Adv.
Mrs. Shriya Gilhotra, Adv.
M/s chambers of Kartik Seth

SLPC 18103/2022

2

Dr. Abhishek Manu Singhvi, Sr. Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 Issue notice.
- 2 Mr Mukul Rohatgi, senior counsel with Mr Kartik Seth, counsel appears on behalf the fifth respondent, Rajasthan Rajya Vidyut Utpadan Nigam Limited and accepts notice.
- 3 On the request of Mr C U Singh, senior counsel appearing on behalf of the petitioner, liberty is granted to implead the Mining Development Operator as a party to the Special Leave Petition. The amendment shall be carried out during the course of the day.
- 4 Dr Abhishek Manu Singhvi, senior counsel accepts notice on behalf of the newly added respondent.
- 5 Tag with Civil Appeal No 4395 of 2014.

**(CHETAN KUMAR)
A.R. -cum-P.S.**

**(SAROJ KUMARI GAUR)
Assistant Registrar**



//True Copy//

ITEM NO.14

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).4395/2014

RAJASTHAN RAJYA VIDYUT UTP.NIGAM LTD

Appellant(s)

VERSUS

SUDIEP SHRIVASTAVA & ORS.

Respondent(s)

(WITH IA No. 2007/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 71316/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

W.P.(C) No. 371/2019 (PIL-W)

(WITH IA No. 49251/2019 - APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 18103/2022 (IV-C)

(FOR ADMISSION and I.R. and IA No.154263/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.154264/2022-EXEMPTION FROM FILING O.T., IA No. 17183/2023 - APPLICATION FOR PERMISSION, IA No. 187284/2022 - APPLICATION FOR PERMISSION, IA No. 24570/2023 - APPLICATION FOR PERMISSION, IA No. 154263/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 174182/2022 - EXEMPTION FROM FILING O.T., IA No. 164370/2022 - EXEMPTION FROM FILING O.T., IA No. 154264/2022 - EXEMPTION FROM FILING O.T., IA No. 19260/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 185800/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 174181/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 32885/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 23304/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 13-04-2023 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Appellant(s)

Mr. Mukul Rohatgi, Sr. Adv.

Mr. Atmaram NS Nadkarni, Sr. Adv.

Mr. Kunal Verma, AOR

Ms. Yugandhara Pawar Jha, Adv.

Mr. Ashwin Nair, Adv.

Ms. Lavanya Dhawan, Adv.

Mr. Ritik Gupta, Adv.

Ms. Neha Rathi, AOR

Mr. C.U Singh, Sr. Adv.
Ms. Anindita Pujari, AOR
Mr. Gautam Bhatia, Adv.
Mr. Arichit Krisnan, Adv.

For Respondent(s)

Mr. Tushar Mehta, Solicitor General
Mr. Gurmeet Singh Makker, AOR
Ms. Ruchi Kohli, Adv.
Ms. Nidhi Khanna, Adv.
Ms. Swarupama Chaturvedi, Adv.
Ms. Archana Pathak Dave, Adv.
Ms. Swati Ghildyal, Adv.
Mr. Shailesh Madiyal, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Mayank Pandey, Adv.
Mr. Madhav Sinhal, Adv.

Mr. Tushar Mehta, Solicitor General
Mr. Kartik Seth, Adv.
Mrs. Shriya Gilhotra, Adv.
Mr. Tarun Mehra, Adv.
Ms. Aakriti Vikas, Adv.
M/S. Chambers Of Kartik Seth, AOR

Dr. A.M. Singhvi, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Aanchal Mullick, Adv.
Mr. Arshit Anand, Adv.
Mr. Nidhiram, Adv.
Mr. E. C. Agrawala, AOR

Ms. Neha Rathi, AOR

Mr. Mahesh Kumar, Adv.
Mrs. Prachi Mishra, A.A.G.
Ms. Devika Khanna, Adv.
Mr. Dipesh Singhal, Adv.
Mrs. V. D. Khanna, Adv.
Mr. Rishabh Nigam, Adv.
Mr. Vmz Chambers, AOR

Ms. Pragati Neekhara, AOR

Mr. Atmaram NS Nadkarni, Sr. Adv.
Ms. Aishwarya Bhati, Adv.
Mr. Kunal Verma, AOR
Ms. Yugandhara Pawar Jha, Adv.
Mr. Ashwin Nair, Adv.
Ms. Lavanya Dhawan, Adv.
Mr. Punit Khanna, Adv.

Mr. Ritik Gupta, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 We direct the Union of India to file a comprehensive affidavit indicating the status of all matters. This shall be carried out within a period of two weeks.
- 2 We request the Additional Solicitor General to assist the Court on behalf of the Ministry of Environment and Forests.
- 3 List the matters on 28 April 2023.

**(SANJAY KUMAR-I)
DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR**



//TRUE COPY//

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/EXTRAORDINARY JURISDICTION**

Civil Appeal No 4395 of 2014

Rajasthan Rajya Vidyut Utpadan Nigam Limited

Appellant

Versus

Sudiep Shrivastava and Others

Respondents

W I T H

Special Leave Petition (Civil) No 18103 of 2022

O R D E R

Civil Appeal No 4395 of 2014

1 The appeal has arisen from an order dated 24 March 2014 of the National Green Tribunal¹. The NGT issued the following directions:

1 “NGT”

“1. Order dated 23rd June, 2011 passed by the respondent no.2-MoEF Government of India and consequential order dated 28th March, 2012 passed by the respondent no.1 State of Chhattisgarh under section 2 of the Forest (Conservation) Act 1980 for diversion of forest land of PEKB Coal Blocks are set-aside;

2. The case is remanded to the MoEF with directions to seek fresh advice of the FAC within reasonable time on all aspects of the proposal discussed herein above with emphasis on seeking answers to the following questions: (i) What type of flora and fauna in terms of bio-diversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question. (ii) is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna. (iii) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need. (iv) Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies. (v) What, is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora? (vi) What is their opinion about the Wildlife Management plan finally prescribed. (vii) What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialised knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.

3. The MoEF shall pass a reasoned order in light of the advice given by the FAC in accordance with law and pass appropriate order in accordance with law.

4. All work commenced by the respondent no.3 project proponent and respondent no.4 pursuant to the order dated 28th March, 2012 passed by the respondent no.1 State of Chhattisgarh under section 2 of the FC Act 1980, except the work of conservation of existing flora and fauna, shall stand

suspended till such further orders are passed by the MoEF in accordance with law.”

- 2 Since the order of the NGT, the Ministry of Environment, Forest and Climate Change² has granted approval for commencing Phase II mining operation for the Parsa East and Kete Basan (PEKB) Coal Block on 2 February 2022. Thereafter, the State of Chhattisgarh has on 25 March 2022 accorded permission for coal mining and for non-forest activity in respect of the Parsa East and Kete Basan Coal Block comprising 1136 hectares.
- 3 The above facts are not in dispute.
- 4 Since the order of the NGT has resulted in the above orders of MoEF&CC dated 2 February 2022 and of the State of Chhattisgarh dated 25 March 2022, Mr A N S Nadkarni, senior counsel appearing on behalf of the appellant states that the appeal is not pressed.
- 5 The appeal is accordingly disposed of.
- 6 Pending applications, if any, stand disposed of.

Special Leave Petition (Civil) No 18103 of 2022

- 1 The Special Leave Petition arose from an order dated 30 September 2022 of a learned Single Judge in IA No 5 of 2022 in Writ Petition (Civil) No 1346 of
- 2 “MoEF&CC”

2016. The learned Single Judge declined to entertain the prayer for interim relief primarily on the ground that proceedings were pending before this Court in which certain reliefs were claimed in respect the orders dated 2 February 2022, 25 March 2022 and 5 May 2022. The learned Single Judge had also indicated that there was no challenge to the orders at that stage.

- 2 Mr C U Singh, senior counsel appearing on behalf of the petitioner states that an application for amending the writ petition has been filed before the High Court which is pending.
- 3 By a separate order passed today, Civil Appeal No 4395 of 2014³ instituted before this Court has been disposed of as not pressed.
- 4 Since the writ petition under Article 226 of the Constitution is pending before the High Court, it would be appropriate and proper to relegate the petitioners to pursue their rights and remedies in accordance with law. Since the application for interim relief in IA No 5 of 2022 was not considered by the High Court for the reasons which have been indicated above, we clarify that it will be open to the petitioners to move an application for seeking interim relief. The above liberty is subject to such objections which the contesting respondents may have to the grant of interim relief. This Court has not expressed any opinion on the merits of the challenge before the High Court.

3 “Rajasthan Rajya Vidyut Utpadan Nigam Limited vs Sudiep Shrivastava and Others”

- 5 The Special Leave Petition is accordingly disposed of.

- 6 Pending applications, if any, stand disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[J B Pardiwala]

.....J.
[Manoj Misra]

New Delhi;
October 16, 2023
CKB

ITEM NO.26

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.4395/2014

RAJASTHAN RAJYA VIDYUT UTPADAN NIGAM LTD

Appellant

VERSUS

SUDIEP SHRIVASTAVA & ORS.

Respondents

(With IA No.2007/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No.53863/2019 - CLARIFICATION/DIRECTION, IA No. 53848/2019 - EXEMPTION FROM FILING O.T., IA No.5912/2023 - EXEMPTION FROM FILING O.T., IA No.71319/2022 - EXEMPTION FROM FILING O.T., IA No. 66757/2021 - EXEMPTION FROM FILING O.T., IA No. 134831/2023 - EXEMPTION FROM FILING O.T., IA No. 53864/2019 - EXEMPTION FROM FILING O.T., IA No. 86937/2023 - EXEMPTION FROM FILING O.T., IA No. 86934/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 32860/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 53847/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 71316/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 4/2014 - PERMISSION TO FILE ANNEXURES, IA No. 3/2014 - PERMISSION TO FILE ANNEXURES and IA No.1/2014 - STAY APPLICATION)

WITH W.P.(C) No.371/2019 (PIL-W)

(With IA No.97095/2022 - APPLICATION FOR PERMISSION, IA No.28837/2023 - APPLICATION FOR PERMISSION, IA No.49251/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No.97098/2022 - EXEMPTION FROM FILING O.T., IA No.49254/2019 - EXEMPTION FROM FILING O.T., IA

CA 4395/2014

No.168205/2019 - INTERVENTION/IMPLEADMENT and IA No.5925/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

S.L.P.(C) No.18103/2022 (IV-C)

(With IA No.24570/2023 - APPLICATION FOR PERMISSION, IA No. 17183/2023 - APPLICATION FOR PERMISSION, IA No.187284/2022 - APPLICATION FOR PERMISSION, IA No.154263/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.174182/2022 - EXEMPTION FROM FILING O.T., IA No.164370/2022 - EXEMPTION FROM FILING O.T., IA No.154264/2022 - EXEMPTION FROM FILING O.T., IA No.185800/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.150385/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.174181/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.32885/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.23304/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.19260/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No.510/2023 (PIL-W)

(With IA No.87170/2023 - CLARIFICATION/DIRECTION and IA No. 87171/2023 - EXEMPTION FROM FILING O.T.)

Date : 16-10-2023 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Appellant(s)	Mr. Atmaram N S Nadkarni, Sr. Adv.
	Mr. S.S. Rebello, Adv.
	Ms. Deepti Arya, Adv.
	Ms. Arzu Paul, Adv.
	Ms. Manisha Gupta, Adv.
	Mr. Siddant Gupta, Adv.
	Mr. Rishikesh Haridas, Adv.
	Lavany Dhawan, Adv.
	Mr. Ritik Gupta, Adv.
	Mr. Kunal Verma, AOR

Ms. Yugandhara Pawar Jha, Adv.
Mr. Ashwin Kumar Nair, Adv.

WPC 371/2019 &
WPC 510/2023

Mr. Prashant Bhushan, Adv.
Ms. Neha Rathi, AOR
Mr. Kamal Kishore, Adv.
Ms. Kajal Giri, Adv.

SLPC 18103/2022

Mr. Chander Uday Singh, Sr. Adv.
Ms. Pyoli, AOR
Ms. Shalini Gera, Adv.
Mr. Archit Krishna, Adv.
Mr. Mayank Gautam, Adv.

For Respondent(s)

Mr. A.M. Singhvi, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Aanchal Mullick, Adv.
Mr. Arshit Anand, Adv.
Mr. Nidhiram, Adv.
Mr. E.C. Agrawala, AOR

Mr. Prashant Bhushan, Adv.
Ms. Neha Rathi, AOR
Mr. Kamal Kishore, Adv.
Ms. Kajal Giri, Adv.

Mr. Tushar Mehta, SG
Mr. K.M. Nataraj, ASG
Mr. Gurmeet Singh Makker, AOR
Ms. Ruchi Kohli, Adv.
Ms. Nidhi Khanna, Adv.
Ms. Swarupama Chaturvedi, Adv.
Ms. Archana Pathak Dave, Adv.
Ms. Swati Ghildyal, Adv.
Mr. Shailesh Madiyal, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Mayank Pandey, Adv.
Mr. Madhav Sinhal, Adv.

Mr. Mahesh Kumar, Adv.
Ms. Prachi Mishra, Adv.

Mr. Aman Preet Singh Rahi, Adv.
Mr. Nikhilesh Kumat, Adv.
Mr. Dipesh Singhal, Adv.
Ms. Devika Khanna, Adv.
Ms. Rebecca Mishra, Adv.
Mr. Himanshu Kumar, Adv.
Mrs. V.D. Khanna, Adv.
Mr. Vmz Chambers, AOR

Ms. Pragati Neekhra, AOR
Mr. Aditya Bhanu Neekhra, Adv.
Mr. Aniket Patel, Adv.
Mr. Tushar Mehta, SG
Mr. Kartik Seth, Adv.
Ms. Shriya Gilhotra, Adv.
Mr. Prashanth Dixit, Adv.
Mr. Ankit Gupta, Adv.
Mr. Mahesh Bhati, Adv.
Ms. Arushi Rathore, Adv.
Mr. Saurabh Chaturvedi, Adv.
M/s. Chambers of Kartik Seth

Mr. Kunal Verma, AOR

UPON hearing the counsel the Court made the following
O R D E R

Civil Appeal No 4395 of 2014 & SLP (C) No 18103/2022

- 1 The Civil Appeal and the Special Leave Petition are disposed of in terms of the signed order.
- 2 Pending applications, if any, stand disposed of.

Writ Petition (C) No 371 of 2019 & Writ Petition (C) No 5103 of 2023

- 1 List the Petitions 20 November 2023.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar
(Signed order is placed on the file)



//TRUE COPY//

ITEM NO.10

COURT NO.9

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 30438/2022

(Arising out of impugned final judgment and order dated 11-05-2022 in WPC No. 2541/2020 passed by the High Court Of Chhatisgarh At Bilaspur)

MANGAL SAI & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.163740/2022-CONDONATION OF DELAY IN FILING and IA No.163741/2022-EXEMPTION FROM FILING O.T.)

WITH

Diary No(s). 27558/2022 (IV-C)

(FOR ADMISSION and I.R. and IA No.170771/2022-CONDONATION OF DELAY IN FILING and IA No.170773/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.170774/2022-EXEMPTION FROM FILING O.T. and IA No.170775/2022-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

Diary No(s). 29066/2022 (IV-C)

(IA No. 174107/2022 - CONDONATION OF DELAY IN FILING, IA No. 174106/2022 - CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS, IA No. 174111/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 174108/2022 - EXEMPTION FROM FILING O.T.)

Date : 16-12-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s)

Mr. Prashant Bhushan, AOR
Mr. Sudeip Srivastava, Adv.
Ms. Neha Rathi, Adv.
Mr. Kamal Kishor, Adv.

Mr. Sameer Shrivastava, AOR

Mr. Sanjay Parikh, Sr. Adv.
Mr. Sundiep Srivastava, Adv.
Ms. Srishti Agnihotri, AOR

Mr. Satiwk Parikh, Adv.
Ms. Sanjana Grace Thomas, Adv.
Ms. Mantika Vohra, Adv.

For Respondent(s)

Dr. A.M. Singhvi, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawal, Adv.
Ms. Anchal Mullick, Adv.
Ms. S. Lakshmi Iyer, Adv.
Mr. Arshit Anand, Adv.
Mr. E. C. Agrawala, AOR

Mr. Tushar Mehta, Sr. Adv.
Mr. Kartik Seth, Adv.
Mrs. Shriya Gihotra, Adv.
Ms. Riya Dhingra, Adv.
M/S. Chambers Of Kartik Seth, AOR

Mr. Rahul Maratha, Adv.
Mr. Ashutosh Chaturvedi, Adv.
Mr. P.S. Wadhwa, Adv.
Mr. Kunwar Siddharth Singh, Adv.
Mr. Rubal Garg, Adv.
Mr. Mahabir Singh, Adv.
Mr. Kumar Neeraj, Adv.
Mr. P.S. Nerwal, Adv.
Mr. Mukesh Kumar Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

Interim relief is refused.

We clarify that the pendency of these appeals will not come in the way of the project(s). Inasmuch as if this Court finds substance in the arguments on behalf of the appellants, the respondents can always be directed to compensate.

Hearing of the appeal(s) is expedited.

(DEEPAK SINGH)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)


//TRUE COPY//

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCivil Appeal No.8720/2022

HASDEO ARAND BACHAO SANGARSH SAMITI

Appellant(s)

VERSUS

MINISTRY OF ENVIRONMENT, FOREST AND
CLIMATE CHANGE & ORS.

Respondent(s)

(With IA No.180513/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.180510/2022-STAY APPLICATION and IA No.180514/2022-EXEMPTION FROM FILING O.T.)

Date : 05-12-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHAFor Appellant(s) Mr. Abhimanue Shrestha, AOR
Mr. Divyansh Khurana, Adv.For Respondent(s) Mr. Atmaram Nadkarni, Sr. Adv.
Mr. Kunal Verma, Adv.
Ms. Yugandhara Pawar Jha, Adv.
Mr. Ritik Gupta, Adv.UPON hearing the counsel the Court made the following
O R D E R

- 1 Issue notice, returnable in four weeks.
- 2 Liberty to serve on the Central Agency and on the Standing Counsel for the States of Chhattisgarh and Rajasthan, in addition.
- 3 List the Civil Appeal on 10 January 2023.

Signature Not Verified
Digitally signed by
CHETAN KUMAR
Date: 2022.12.07
15:11:46 IST
Reason: 

(CHETAN KUMAR)
A.R. - cum - P.S.(SAROJ KUMARI GAUR)
Assistant Registrar
//TRUE COPY//



(Government of Rajasthan Undertaking)

Corporate Identity Number (CIN)-U40102RJ2000SGC016484

OFFICE OF THE CHIEF ENGINEER (FUEL)

 Regd. Office & H.O.: Vidyut Bhawan, Janpath, Jyoti Nagar, Jaipur-302005.
 Room No. 201, 1st Floor, Dreamax Plaza, Sahakar Marg, Jaipur-302005.

 Email: ce.fuel@rrvun.com, fuel.rvun@gmail.com

 Web Site: <http://energy.rajasthan.gov.in/RVUN>

No. RVUN/Dy.CE (Fuel)/SE(Fuel)/F./D. 1141

Jaipur,

Dated 16.07.2024

To,

1. The Scientist 'C'
 Ministry of Environment, Forest and Climate Change,
 Integrated Regional Office
 Aranya Bhawan, North Block, sector-19,
 Naya Raipur, Atal Nagar, Chhattisgarh- 492002
2. Divisional Forest Officer,
 Surguja Forest Division, Ambikapur- Dist. Surguja (C.G)

Sub: Half yearly compliance of conditions of Forest Clearance granted for diversion of 1898.328 ha. of forest land in two phase for Parsa East and Kete Basan captive coal Block open cast mining project in favour of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited in South Surguja Forest Division in Surguja District of Chhattisgarh-reg. **Phase-I (762 ha Forest Land) Compliance status as on 1st July-2024.**

- Ref:** (i) MoEF Forest Clearance Letter no 8-31/2010-FC dated 15.03.2012.
 (ii) DFO Office Ambikapur letter no.-1419, Ambikapur dated-02.07.2021.

Dear Sir,

This is with reference to Forest Clearance granted for diversion of 1898.328 ha of in two phases for Parsa East & Kanta Basan captive coal block Opencast Coal Mining in favor of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited in South Surguja Forest Division in Surguja District of Chhattisgarh.

In this regard, please find herewith **Phase- I (762 ha Forest Land) six monthly Compliance status as on 1st July- 2024.**

S. No.	Condition	Compliance
1	Legal Status of Forest Land Shall remain unchanged	
	(a) Compensatory afforestation shall be raised and maintained by the State Forest Department over degraded orange forest land double in extent to the forest land proposed to be diverted at the project cost.	An amount of Rs. 58.41 crore has been deposited in CAMPA for Compensatory Afforestation over total area of 3797 ha of degraded forest (Protected Forest).
	(b) Fencing, protection and regeneration of the safety zone area shall be done at the project cost. Besides this, afforestation on degraded forest land, to be selected elsewhere, measuring one and a half times the area under safety zone, shall also be done the project cost.	Fencing of safety zone Approx. 9.8 Km has been completed, protection and regeneration work of Safety zone for first phase of the project has been completed. Approx. 15,017 nos. natives species sapling plants including transplantation of important species like Sal (majority) and other trees has been planted in approx. 7.66 Ha land in safety zone area. An amount of Rs. 29,00,435/- has been deposited in CAMPA account of Forest Department for compensatory afforestation over 1.5 times of safety zone area over degraded forest land on 03.10.2011 & 24.03.2014.

S. No.	Condition 285	Compliance 530
	(c) Wherever possible and technically feasible, the User Agency shall undertake afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval, in consultation with the State Forest Department at the project cost.	A total of 12,14,200 numbers of sapling/trees have been planted on internal and external over burden dumps and 9,137 nos. of trees also transplanted in mining and infrastructure areas till as on 1 st July - 2024. Detailed Plan is enclosed as Annexure-1. List of species-wise trees planted enclosed as Annexure-2.
2	Following activities undertaken by the project proponent under the supervision of the State Forest Department at the project cost	
	<p>(i) Proper mitigate measures to minimize soil erosion and choking of streams shall be prepared and implemented.</p> <p>(ii) Planting of adequate drought hardy plant species and sowing of seeds to arrest soil erosion.</p> <p>(iii) Construction of check dams, retention / toe walls to arrest sliding down of the excavated material along the contour.</p> <p>(iv) The areas shall be reclaimed keeping in view the international practice of stabilizing the dumps by grading / benching so that angles of repose (normally less than 28 at any given place) are maintained.</p> <p>(v) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.</p>	<p>Following mitigative measures have been undertaken to minimize soil erosion and choking of streams such as</p> <p>(i) construction of approx. 14.81 km of drainage system,</p> <p>(ii) 11 nos. of settling ponds and construction of approx. 2.62 km. of permanent toe walls along completed dump slopes.</p> <p>(iii) 30,000 sq. mtrs. of geo-textiling over the dump slopes.</p> <p>(iv) Sowing of grass seeds on dump slopes.</p> <p>Sowing of grass seeds and plantation of drought hardy species has been done over all vulnerable areas including slopes of completed dumps.</p> <p>Check dams, retention / toe walls (2.62 km) have been constructed to arrest sliding down of the excavated material along the contour.</p> <p>Reclamation of internal & external over burden dumps are being done through proper grading and benching and thus making the dumps stable and the ultimate slope of all the dumps is less than 28°.</p> <p>Dump Cross -Section is enclosed as Annexure- 3.</p> <p>Reclamation area details enclosed as Annexure- 4.</p> <p>No damage is being done to the top soil. Top soil generated during mining activities is being stored in separate top soil dump as per top soil management plan and same is being re-used in reclamation. Drainage system has been constructed along top-soil dump. Soil grass seeds are also being used to maintain fertility of soil and to control erosion.</p>
3	The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environment (Protection) Act, 1986 and any other Acts/Regulation/Rules.	Environment Clearance for the project has been granted by Ministry of Environment Forest & Climate change vide letter no. -11015/03/2008-IA. II (M) dated 21.12.2011 (10 MTPA), 10.08.2018 (15 MTPA) 14.02.2022 (18 MTPA Coal Mines) & 12.07.2023 (18 MTPA Pit head Coal Washery).

S. No.	Condition 286	Compliance
4	The period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development & Regulating) Act, 1957, or Rules framed there under, subject to a maximum period of 30 years.	Period of the Mining lease is 30 years.
5	The User Agency shall furnish an undertaking to pay the additional NPV, if so determined, as per the final decision of Hon'ble Supreme Court of India.	The Undertaking has been given for the same.
6	Demarcation of mining lease area will be done on the ground at project cost using four feet high reinforced cement concrete pillars with serial numbers, forward and back bearings and distance from pillar to pillar.	Demarcation of mining lease area has been completed using 4 feet high reinforced cement concrete pillars with Geographical co-ordinates, serial numbers and distance from pillar to pillar.
7	Mining/reclamation schedule shall be implemented by the user agency at their cost as per Environmental Management Plan / phased reclamation programme. The annual report about the progress of reclamation should be submitted to the CCF (Central), Regional © office, Bhopal.	Progress of Mining/Reclamation work is being submitted to CCF (Central), Regional Office, Raipur along with FC compliance. Reclamation details enclosed as Annexure-4.
8	The mining shall be done in two phases	
	(i) During phases-1, covering 15 years, the mining shall be restricted to 762.00 ha of forest land	Mining activities in the phase – I area of 762 Ha in forest land has been done.
	(ii) During phase -II the mining permission over remaining 1136.0 ha will be linked to the reforestation and biodiversity management in phase-I	Mining permission for phase -II over remaining 1136.0 ha obtained from the authority. reforestation and biodiversity management are being done in phase- I progressively.
	(iii) The project proponent will submit the application for permission for mining in phase - II along with compliance report of phase-I	Agreed.
9	The user agency will ensure the dumping of OB and phase wise rehabilitation and afforestation of the used / mined out pits / voids as per the approved plan under the supervision of the State Forest Department.	OB dumping and phase-wise rehabilitation and afforestation is being done in mined out pits under supervision of Forest Department. Reclamation area details enclosed as Annexure-4.
10	The user agency will make arrangement for free supply of alternate fuels to labourers and staff working on the project site so as to avoid any pressure on the adjacent forest areas.	Free supply of alternate fuel such as L.P.G. has been made for laborers and staff working on the project site which has ensured that there is no pressure on the adjacent forest areas for availability of fuel.
11	The forest land shall not be used for any purpose other than that specified in the proposal.	Forest land is being used only for specified purpose.
12	Any tree felling shall be done only when it is unavoidable and under strict supervision of the State Forest Department.	Tree felling is being done only when it is required to be done under supervision of the State Forest Department.
13	No damage to the flora and fauna of the area shall be caused.	No damage is being done to flora and fauna of the surrounding areas.

S. No.	Condition 287	Compliance 532
14	No labour camps shall be set up inside the forest area.	No labour camps have been established inside the forest area.
15	The forest land proposed to be diverted shall under no circumstances shall be transferred to any other agency, department or person without prior approval of the Central Government.	Diverted forest land has not been transferred to any other agency, department or person.
16	The user agency will implement the Resettlement and Rehabilitation Plan as per the R&R Policy of State Government.	<p>Resettlement and Rehabilitation Plan has been implemented as per C.G. Ideal R&R Policy 2007(Amended in 2010).</p> <p>Following benefits have accrued to the project affected people:</p> <ol style="list-style-type: none"> I. Acquisition of 368.190 Ha. Private Land has been completed under L.A. Act, 1894 and Rs. 79.55 Cr. has been paid against land compensation. II. 401 persons have been given employment and 350 persons have accepted Onetime Compensation of Rs. 3 Lakhs in lieu of employment. III. Monthly Old Age Allowance of Rs. 500 is being given to all persons who have attained the age of 60 years in the Project Affected villages. This benefit is also going to the people who have not given their lands for the project. Approximately 158 people are being benefited every month under this scheme as on 1st July 2024. IV. 162 Plots having minimum areas of 450Sqm. has been offered to Project Displaced Families of village Kete in the R&R colony established at Village Basen, Tehsil-Udaipur, District, Surguja. C.G. among these plots constructed houses have also been given to 31 persons in the R&R colony where other facilities such as roads, drains, lighting, water supply, worship place, cow shed Community center and health center etc. have been provided. Onetime amount of Rs. 3 Lakhs have also been given to 131 persons who have opted to construct their own house either on the plots given or elsewhere. V. A State of the Art Vocational Training Center has been established in one of the project affected villages (Salhi) to impart training to youths of the affected villages as well as the nearby areas for developing skills under different trades such as, Digital literacy, Sewing Machine Operator, Assistant electrician, Fitter, Hospitality, Mining Mechanic and 5S. This VTC is equipped with residential facilities for all the male and female trainees who will require stay in the campus. <p>CSR Details -</p> <ol style="list-style-type: none"> I. A school under CBSE has been established in village Salhi for imparting education to boys and girls of the entire project affected villages. It is equipped with all modern facilities and

S. No.	Condition	Compliance
	288	<p>infrastructure such as standard classrooms, library, computer room, science and math labs, art and music, audio visuals aids, CC TV cameras, Wi-Fi, assembly point, play grounds etc. Currently, 1034 students are enrolled from Nursery to Class XII.</p> <p>II. The education including tuition fees, uniforms, study materials, meals and transportation is absolutely free.</p> <p>III. A number of initiatives in form of project has been started under health, education, self-employment generation, agriculture, sports and culture and women empowerment etc. for uplifting the socio-economic status of the project affected people in 14 villages.</p> <p>IV. CSR Ambulance is operational 24x7 to cater to any emergency situation. A dispensary is located at Gumga where the village community can get their health issues addressed.</p> <p>V. A women cooperative titled " Mahila Udyami Bahuddeshiy Sahakari Samiti Ltd" had been formed to promote rural entrepreneurship and to make the local women economically and financially self-reliant. Currently women are getting employed in the different income generating activities like Spice Grinding Unit, Phenyl Making unit, sanitary pad production unit, cloth stitching unit, Didi ki Rasoi, Mid-Day meal and vermicompost unit.</p> <p>VI. Rural Medical Camps (Eye checkup, Dental Health Camp and Gynecology Camp) are being organized time to time in all project affected villages.</p> <p>VII. Evening Classes is running at Ghatbarra, Fathepur, Parsa , Salhi and Tikrapara village for students of Class KG to Class X. No of Students Enrolled - 219 nos.</p> <p>VIII. Swasth Suvidha Kendras (Health Centres) equipped with basic facilities have been set up at Parsa and Salhi to extend preventive and curative health measures to the village community. No of Patients- 5465 nos.</p> <p>IX. As a part of Project Annapurna, farmers of the mine peripheral villages are provided with high quality seeds and modern agricultural equipment for increase in land productivity. Frequent workshops are also conducted with support from Krishi Vigyan Kendra.</p> <p>X. 495 Nos Solar Street Lights have been installed at 14 village to improve visibility during nighttime.</p> <p>XI. JEE online classes has been introduce for XII student. No of students enrolled- 30 nos.</p>

S. No.	Condition 289	Compliance 534
		XII. 8 Nos of High mast light installed in nearby village of mine.
17	The user agency will undertake transplanted of important tree species under 60 cm girth under the supervision of State Forest Department.	Transplantation of important tree species under 60 cm girths is being done through transplanting equipment under the supervision of State Forest Department. 9,137 number of trees has been transplanted as on 1 st July 2024.
18	The State Government will not come up for opening up of the main Hasdeo-Arand area.	Matter is related to the State Govt.
19	The user agency will ensure proper implementation of Wildlife Management Plan prepared by the State Government.	An amount of Rs. 22 Crore has been deposited in CAMPA by user agency for implementation of the approved Wildlife Management Plan. RVUNL has deposited additional amount of Rs. 10.28 Crores for implementation of revised Wildlife Management on the demand of State Forest Department. Acknowledgement letter of DFO, Ambikapur, showing the details of amount deposition enclosed as Annexure- 5
20	The user agency will assist the State Government in conservation and preservation of the flora and fauna of the area.	The user agency has been assisting the State Govt. in conservation and preservation of the flora and fauna of the areas as and when advised by the Forest Dept. I. For fire protections an amount of Rs. 3.11 lakh at nearby forest area. II. An amount of Rs. 2 cr. has been deposited in state govt. for "Harihar Chhattisgarh" (plantation & conservation flora) on 28 th June 2016. III. An amount of Rs. 12 lakh have been deposited to forest dept. for upgradation of Sanjay Park at Ambikapur.
21	The State Government will suitably incorporate the comments, as suggested by of the WII, Dehradun, into the Wildlife Management Plan prepared for the area. The project proponent has deposited an amount of Rs. 22 crores (Rs. Twenty-two crores) towards cost of implementation of the Wildlife Management Plan. Increased costs, if any, due to incorporation of the suggestions of WII, Dehradun will be borne by the user agency. Final copy of the Wildlife Management Plan will be submitted to this Ministry and the Regional Office, Bhopal within a period of three months for the purpose of monitoring. A soft copy in PDF format will also be submitted to the Ministry.	The suggestions put forward by the WII Dehradun were incorporated by the State Govt. in the Wildlife Management Plan (WLMP) which has a financial assurance of Rs. 22+ Rs. 10.28 =32.28 Crores. Acknowledgement letter of DFO, Ambikapur, showing the details of amount deposition enclosed as Annexure- 5
22	The user agency will make provision for appropriate financial outlay for the establishment of Rescue and Rehabilitation team to mitigate human-wildlife conflicts.	A financial outlay has been made for establishment of the Rescue & Rehabilitation of Human-wildlife conflicts in the approved Wildlife Management Plan.
23	The Wildlife Management Plan will be implemented by the State Government and independent institutions like the Nature Conservation Foundation, Wildlife Trust of India and the Canter for Ecological Studies at the Indian Institute of Science apart from the Wildlife Institute	Related to State Govt.

S. No.	Condition 290	Compliance
	of India may be involved in implementation of the Plan. In order to ensure proper implementation of the Wildlife Management Plan, the State Government shall make necessary provisions for carrying out the monitoring and evaluation of the plan. It would be appropriate to include. Chief Wildlife Warden of the State in monitoring the implementation of the Plan.	
24	The user agency will undertake and implement suitable Mitigative measures as prescribed in the Wildlife Management Plan for reducing the dependency of cattle and people on the surrounding forest area.	Financial budget has been provided to undertake necessary steps for reducing dependency of cattle and people on the surrounding forest areas in the approved Wildlife Management Plan. Details of Cattle and Dairy Development and CSR Initiatives at PEKB site Surguja enclosed as Annexure-6.
25	Any other condition that the Chief Conservator of Forests (Central), Regional Office, Bhopal may impose from time to time in the interest of conservation, protection or development of forests.	Undertaking has already been given for compliance of this condition.
26	The user agency shall submit the annual compliance report in respect of the above conditions to the State Government and to the Regional Office, Bhopal regularly.	Compliance Report is being regularly submitted to the State Govt. and Regional Office IRO-MoEF &CC, Raipur.

Thanking You

Encl. As Above

Yours Sincerely

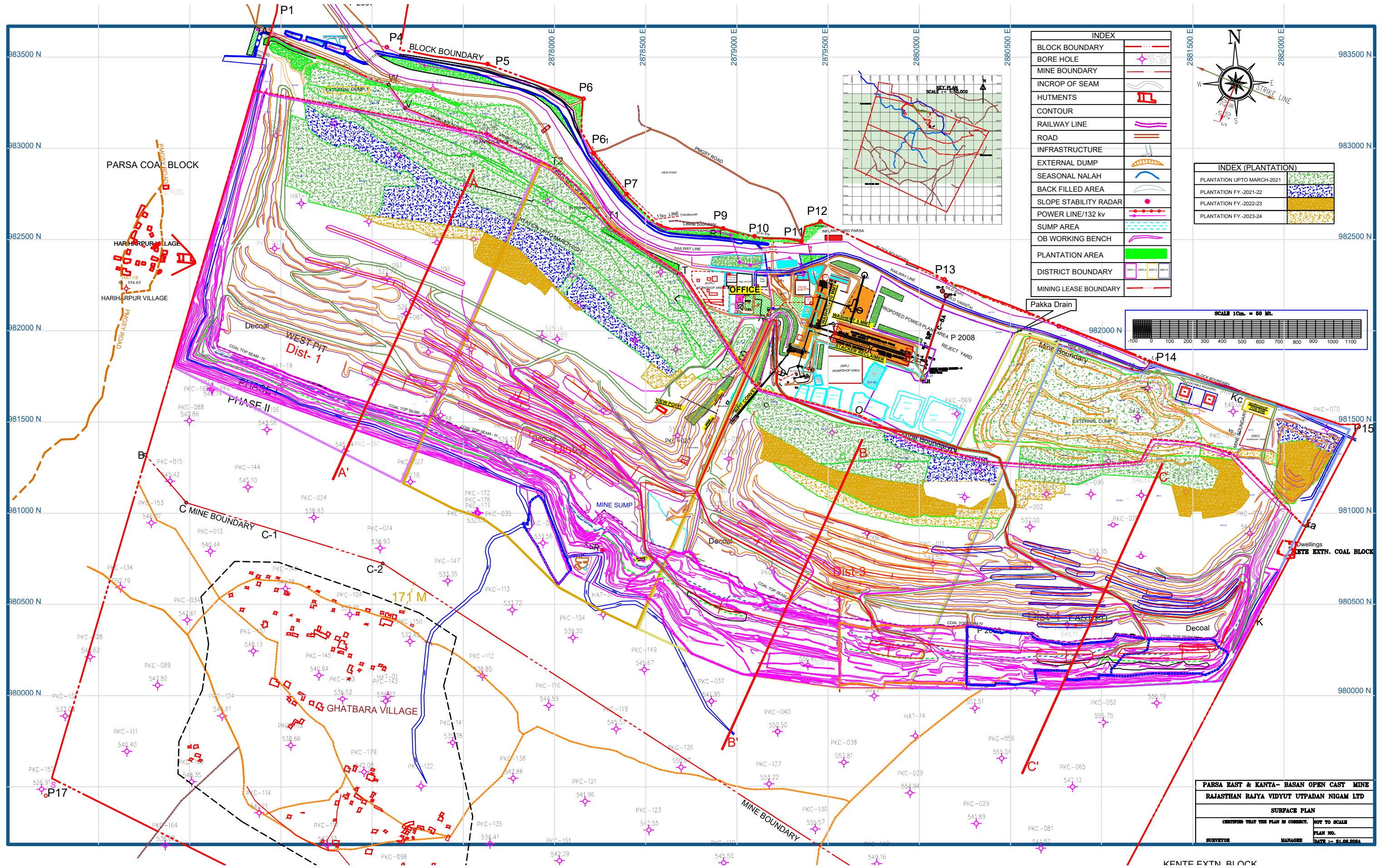
Hem Raj
16.07.2024
(Hem Raj)

Superintending Engineer (Fuel)
RVUN, Jaipur

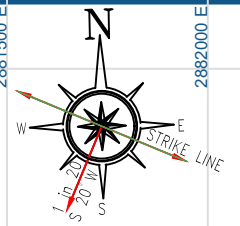
Copy to the following for kind information please:

1. Additional Principal Chief Conservator of Forest (Land Management), Nava Raipur (C.G).
2. Chief Conservator of Forest, Surguja Circle, Ambikapur (C.G).

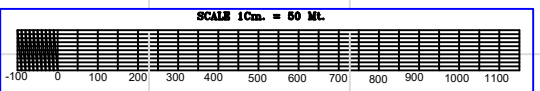
Hem Raj
Superintending Engineer (Fuel)



INDEX	
BLOCK BOUNDARY	
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INCROP OF SEAM	
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PARSA EAST & KANTA-BASAN OPEN CAST MINE	
RAJASTHAN RAJYA VIDYUT UTPADAN NIGAM LTD	
SURFACE PLAN	
CERTIFIED THAT THE PLAN IS CORRECT.	NOT TO SCALE
SURVEYOR	MANAGER
DATE :- 31.08.2024	

KENTE EXTN. COAL BLOCK

537 RAJASTHAN RAJYA VIDYUT UTPADAN NIGAM LIMITED																	
Species wise report of Tree Saplings plantation (Status - FY -2012 -13 to 30th June - 2024)																	
FY -		2012 - 13 to 2023-24												2024 -25			G. Total
Sr. No.	Species	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021 - 22	2022 - 23	2023 - 24	Apr/24	May/24	Jun/24	
1	SAL	313	313	809	2487	1023	133	7816	6816	7753	18056	18647	23807	0	2	6875	94850
2	KARANJ	0	550	5019	4780	6836	0	0	0	0	0	0	939	0	0	618	18742
3	KHAMHAR	352	692	992	255	7882	10670	33	0	0	0	0	749	0	0	0	21625
4	ANOLA	430	1110	0	1805	165	200	0	0	0	0	0	500	0	0	0	4210
5	SHESHAM	526	526	3543	450	0	0	0	5838	3673	7583	5080	9747	0	1	200	37167
6	SIRAS	0	0	0	125	0	0	0	0	0	0	0	700	0	0	0	825
7	BEL	0	0	0	527	0	0	0	0	0	0	0	500	0	0	0	1027
8	KHAIR	0	3	0	400	0	5225	7940	10045	3850	0	0	18	0	2	0	27483
9	Mango	3	0	0	494	7	1396	6499	1062	14	1084	2823	3460	0	0	310	17152
10	SHISHU	0	0	3542	6415	37187	16294	42513	32822	58284	49234	26622	42185	100	1	10983	326182
11	GULMOHAR	486	986	666	169	1993	0	0	0	0	0	0	518	0	0	300	5118
12	GUAVA	4	4	0	0	183	0	0	0	0	0	3	691	0	0	0	885
13	TEAK	0	462	0	0	25036	0	0	0	0	0	0	520	0	0	0	26018
14	PELTOPHORUM	0	4	170	885	1560	0	0	0	0	0	0	0	0	0	0	2619
15	ACACIA	0	50	0	0	3234	0	0	0	0	0	0	3649	0	0	410	7343
16	Kathal	462	199	0	209	5	200	0	693	24	182	279	255	60	2	695	3265
17	JAMUN	4	0	0	225	517	201	3597	16094	11315	24336	15741	26287	100	2	12075	110494
18	BARGAD	0	10	0	0	1	694	1969	473	77	18	35	609	0	0	0	3886
19	ARJUN	0	1	0	0	411	0	6482	17035	13372	21376	24982	30898	100	2	12837	127496
20	PIPAL	0	6	0	0	1	2431	2296	488	127	27	22	760	0	0	5	6163
21	IMLI	0	10	58	0	713	0	0	0	0	0	70	350	0	0	2517	3718
22	AMALTAS	0	145	0	0	328	0	0	0	0	0	0	1011	0	0	50	1534
23	ORANGE	199	219	0	0	196	0	0	0	0	0	0	0	0	0	0	614
24	MAHUVA	10	0	0	0	0	0	0	4740	670	1850	3038	5801	0	0	460	16569
25	SAJA	1	0	0	0	0	3184	7677	0	2917	3570	11706	8635	0	0	415	38105
26	TILSA	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6
27	HARRA	145	0	0	0	0	0	0	0	0	0	0	1351	0	0	0	1496
28	BAHERRA	219	0	0	0	0	0	0	0	715	12610	9138	14219	0	2	3685	40588
29	KOSHAM	561	0	0	0	0	0	0	990	0	145	201	101	0	0	0	1998
30	CHAR	1	0	0	0	0	0	0	0	0	0	0	20	0	0	0	21
31	BAMBOO	0	561	0	0	9710	5487	26047	30065	42262	7855	3000	5327	0	0	0	130314
32	NEEM	10	1	0	0	915	8148	3805	1615	0	11	260	6725	0	0	2875	24365
33	SEMAL	0	0	0	70	0	0	0	0	0	0	0	1031	0	0	0	1101
34	HALDU	0	0	0	0	0	3265	5601	190	177	7313	7890	8049	0	0	890	33375
35	MUNDI	0	0	0	0	0	8475	6373	0	575	10	50	101	0	0	0	15584
36	CHIKU	0	0	0	0	0	200	0	0	0	0	0	0	0	0	0	200
37	LICHI	0	0	0	0	0	200	0	0	0	0	0	0	0	0	0	200
38	KADAM	0	0	0	0	0	151	0	460	0	0	0	720	0	0	5	1336
39	BIJA	0	0	0	0	0	4151	9416	11787	9300	3103	1517	1590	0	0	0	40864
40	GULAR	0	0	0	0	0	0	2107	0	0	0	10	0	0	0	0	2117
41	PAKAD	0	0	0	0	0	0	18	0	0	0	3	658	0	0	0	679
42	Bhelwa	0	0	0	0	0	0	0	0	0	885	100	2054	0	0	880	3919
43	KUMHI	0	0	0	0	0	0	0	0	0	3100	1540	3737	0	0	650	9027
44	Tendu	0	0	0	0	0	0	0	0	0	0	0	690	0	1	86	777
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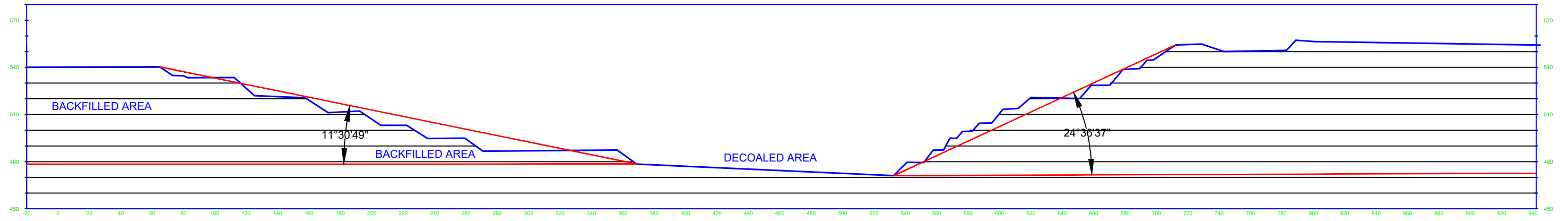
293

47	Senna siamea	0	0	0	0	0	0	0	0	0	0	0	580	0	0	0	580
48	Bakayan	0	0	0	0	0	0	0	0	0	0	0	940	0	0	0	940
49	sahtut	0	0	0	0	0	0	0	0	0	0	0	780	0	0	0	780
50	Ber	0	0	0	0	0	0	0	0	0	0	0	100	0	0	0	100
51	Kachnar	0	0	0	0	0	0	0	0	0	0	0	620	0	0	0	620
52	Champa	0	0	0	0	0	0	0	0	0	0	0	8	0	0	0	8
TOTAL		3732	5852	14799	19296	97903	70705	140189	141213	155105	162348	132757	212105	360	15	57821	1214200
G. total -		1,156,004											58,196			1,214,200	

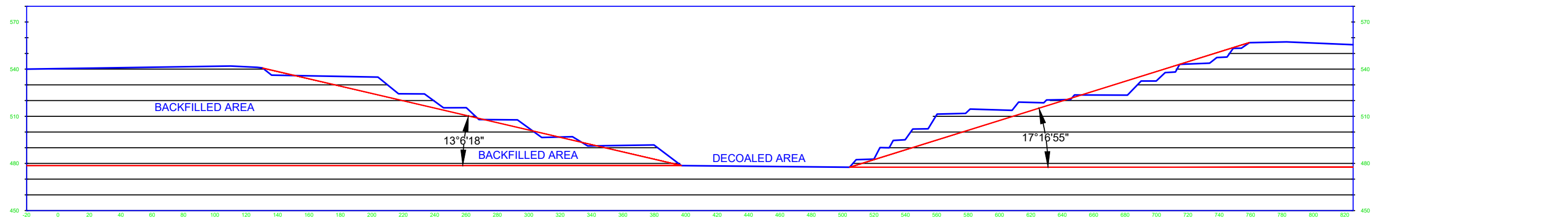
538

Species wise report of TREE TRANSPLANTATION BY TRANSPLANTER (Status 2012 - 13 to 30st June- 2024)

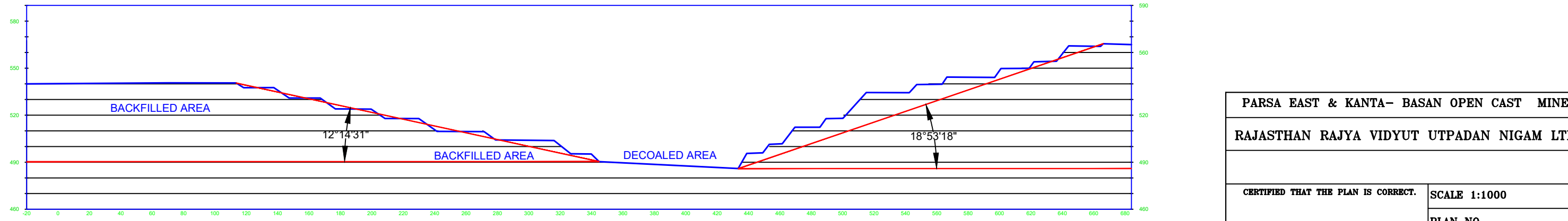
Sr. No.	FY- Species	2012-12 to 2023-24												2024 - 25			G. total
		2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	Apr/24	May/24	Jun/24	
1	SAL	1341	993	118	668	1110	1476	811	208	191	208	9	59	0	0	0	7192
2	MAHUWA	45	0	215	330	455	40	75	44	159	3	64	45	0	0	0	1475
3	CHAR	20	0	0	45	35	0	5	0	133	2	3	0	0	0	0	243
4	JACK FRUIT	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
5	AMALTAS	4	0	0	0	1	0	12	0	16	0	2	3	0	0	0	38
6	MANGO	3	0	0	2	6	1	0	0	1	1	0	0	0	0	0	14
7	GUAVA	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
8	BHELVA	0	0	0	5	1	0	1	0	8	0	1	0	0	0	0	16
9	HALDU	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	2
10	KUMBHI	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	2
11	TENDU	0	0	0	20	12	0	7	0	22	1	0	0	0	0	0	62
12	JAMUN	0	0	0	1	6	0	0	0	0	0	0	0	0	0	0	7
13	KAHUWA	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
14	SIDHA	0	0	0	0	0	0	16	0	45	0	0	0	0	0	0	61
15	KASAE	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
16	BEL	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	2
17	SEMAL	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
18	KORKOT	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
19	BARGAD	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
20	KUSUM	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
21	GULAR	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
22	RUDRAKCHA	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
23	BIJA	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
24	KUTAJA	0	0	0	0	0	0	0	0	6	0	0	0	0	0	0	6
25	KHAMAR	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
26	BEHRA	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
27	JAMRASHI	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
28	KORYA	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
29	DAJHAR	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	2
	TOTAL	1415	993	333	1072	1627	1517	936	252	586	215	84	107	0	0	0	9137
	GT	9137												0			9137



Alignment - A-A'



Alignment - B-B'



Alignment - C-C'

PARSA EAST & KANTA- BASAN OPEN CAST MINE	
RAJASTHAN RAJYA VIDYUT UTPADAN NIGAM LTD	
CERTIFIED THAT THE PLAN IS CORRECT.	SCALE 1:1000
	PLAN NO
SURVEYOR	MANAGER
	DATE :- 31.06.2024

Annexure-4

Details of Physical & Biological Reclamation status

Particulars		YEAR 2012-13	YEAR 2013-14	YEAR 2014-15	YEAR 2015-16	YEAR 2016-17	YEAR 2017-18	YEAR 2018-19	YEAR 2019-20	YEAR 2020-21	YEAR 2021-22	YEAR 2022-23	YEAR 2023-24	YEAR 2024-25 (Q1)	Total
Broken Area (Ha)		60	28	45	97.4	92.1	115.4	183.94	100.441	23.482	117.403	45	12.41	1.934	922.51
Excavation Area (Coal)		4.8	13.2	26.2	52.5	75.8	81.9	137.7	47.12	106.939	79.181	42	41.28	6.34	714.96
External dump area (Ha)		20	17.4	4.9	18.7	7	29.2	0	0	15.78	0	0	0	0	112.98
Backfilled area (Ha)		0	14.4	16.7	29.4	33.8	21	150.5	97.61	72.747	92.483	18.8	75.05	28.97	651.46
Plantation/ Biological Reclamation (Ha)	Others Area (Ha)	1.5	2.3	5.1	4.6	9.35	3.61	1.59	0	0	0	0	0	0	28.05
	External dump area (Ha)	0	0	0	0	21.65	14.49	26.59	9.63	25.82	6.98	7	0	0	112.16
	Internal dump Area (Ha)			0.8	3.1	8.2	10.2	27.9	56.1	29.35	58.71	41.9	53.88	23.28	313.42
	Total Area	1.5	2.3	5.9	7.7	39.2	28.3	56.08	65.73	55.17	65.69	48.9	53.88	23.28	453.63
Total plantation (Nos.)		3732	5852	14799	19296	97903	70705	140189	141213	155105	162348	132757	212105	58196	1214200
Coal (Million Te)		0.292	1.197	3.443	6.210	8.267	8.329	15.000	15.000	15.000	15.000	11.801	6.701	3.488	109.726



राजस्थान राज्य विद्युत उत्पादन निगम लिमिटेड

(राजस्थान सरकार का उपक्रम)

Corporate Identify Number (CIN) -U40102RJ200SGC016484

कार्यालय मुख्य अभियन्ता (फ्यूल)

दूसरी मंज़िल, ड्रीमेक्स प्लाज़ा, सहकार मार्ग, ज्योति नगर, जयपुर (राज.) – 302005
टेली न. 0141-2943352, 2943323 ई-मेल fuel.rvun@gmail.com

क्रमांक-रा.वि.उ.नि./उप मुख्य अभि.(फ्यूल)/अधी. अभि.(फ्यूल)/प्रे. 132 जयपुर, दिनांक 26/7/23

वनमंडलाधिकारी
सरगुजा वनमंडल
अम्बिकापुर (छ.ग.)

विषय: Proposal for Non -forestry use of 1898.329 Ha. of forest and (1654.109 Ha. of protected forest land and 244.219 ha. of Revenue Forest Land) in Favour of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL), in Villages Parsa and Kete, Tehsil Udaipur District Surguja Chhatisgarh. Grant of permission for mining over Phase- II area- regd. - पंजीयन क्रमांक / FP/CG/Min918/2010


संदर्भ: आपका पत्र क्रमांक/तक.अधि./2186 अम्बिकापुर दिनांक 19.07.2023

महोदय,

विषयांतर्गत लेख है कि परसा ईस्ट एवं केंते बासेन कोल माइन्स परियोजना के अंतर्गत वन्यप्राणी संरक्षण योजना पूर्व की अनुमोदित योजना कम्पा फंड में अतिरिक्त राशि 10,28,00,000 (दस करोड़ अट्टाइस लाख रुपये मात्र) भुगतान UTR no. YESBR12023072400005490 दिनांक 24.07.2023 द्वारा जमा किया गया है।

सधन्यवाद।


भवदीय


(हेम राज) 26/07/2023


अधीक्षण अभियन्ता (फ्यूल)
रा0रा0वि0उ0नि0, जयपुर

संलग्न: परिवेश पोर्टल यू.टी.आर न0. YESBR12023072400005490 की एक प्रति।





Ministry of Environment, Forest and Climate Change
Government of India



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परिवेश

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6:00:30 PM

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Online payment history made by User Agency under CAMPA

Help

no. Proposal/Detail	Application_No	Application Hto (Haw)	Date of IN-PRINCIPLE	Amount to be Paid/Amount Paid (in Rs.)	Payment Status	Payment Detail	Demand Letter
1876/2011 DIVERSION OF 1654.109 HA OF REVENUE FOREST LAND 244.219 HA TOTAL FOREST LAND 1898.339 HA OF FOREST LAND FOR PARSA EAST AND RENTE BASAN CAPTIVE COAL BLOCK OPEN CAST MINING PROJECT IN FAVOUR OF PWS RAJASTHAN RAJYA WINDUT UTPADAN NIGAM LIMITED.(COAL MINING)	1876/185010020	5551800320	06 Jul 2011	CA: 0/- PCA: 0/- Safety Zone: 0/- IPV: 0/- Other Charges1 : 0/- Other Charges2 : 0/- Other Charges3 : 0/- Total: 102500000/-	Paid	Fund Demand Verified by : 21 Jul 2023 Stodal Officer On : Union Bank Of India Bank Name : Mode of Payment : RTGS/RTGS (Online) Challan Generated On : 21 Jul 2023 Transaction Date : 24 Jul 2023	Demand Letter Generated Online

कार्यालय वनमण्डलाधिकारी, सरगुजा वनमण्डल, अम्बिकापुर (छ.ग.)

(प्रतापपुर रोड, फारेस्ट कैंम्पस, अम्बिकापुर, जिला-सरगुजा)

☎ 07774-240238 (0), 240236 (R), 240238 (F) E-Mail :- dfo@southsurguja_200@rediffmail.com

क्रमांक / तक.अधि. / 1172
प्रति,

अम्बिकापुर, दिनांक : 2 / 8 / 2023

मुख्य वन संरक्षक,
सरगुजा वनवृत्त अम्बिकापुर

विषय :- Proposal for non-forestry use of 1898.329 ha. of forest and (1654.109 ha. of Protected forest land and 244.219 ha. of Revenue Forest Land) in favour of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL), in Villages Parsa and Kete, Tehsil Udaipur District Surguja Chhattisgarh.
- Grant of permission for mining over Phase-II area-reg.
- पंजीयन क्रमांक / FP/CG/MIN/918/2010

संदर्भ :- 1. प्रधान मुख्य वन संरक्षक (वन्यप्राणी) छत्तीसगढ़ नया रायपुर का आदेश क्रमांक / व. प्रा. / प्रबंध-595 / 216 दिनांक 28.12.2022
2. अपर प्रधान मुख्य वन संरक्षक (भू-प्रबंध / व.सं.अ.) छत्तीसगढ़ नया रायपुर का पत्र क्रमांक / भू-प्रबंध / खनिज / 122 दिनांक 13.01.2023

--:00:--

विषयांतर्गत भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, नई दिल्ली के पत्र क्रमांक / एफ.नं. 8-31 / 2010 एफ.सी. दिनांक 02.02.2022 एवं छत्तीसगढ़ शासन, वन एवं जलवायु परिवर्तन विभाग के पत्र क्रमांक / एफ. 5-04 / 2010 / 10-2 दिनांक 25.03.2022 द्वारा सरगुजा वनमण्डल अन्तर्गत Parsa East and Kete Basen (15MTPA) के माध्यम से कोयला उत्खनन कार्य हेतु Phase-II के तहत 1136.00 हे. वन भूमि व्यपवर्तन की अनुमति प्रदान की गई है।

प्रकरण में प्रधान मुख्य वन संरक्षक (वन्यप्राणी) छ.ग. रायपुर के संदर्भित आदेश द्वारा मेसर्स राजस्थान राज्य विद्युत उत्पादन निगम लिमिटेड द्वारा Parsa East and Kete Basen (15MTPA) के बायोडायवर्सिटी रिपोर्ट के अनुसार अतिरिक्त वन्यप्राणी संरक्षण योजना जिसकी प्रावधानित राशि रु. 10.28 करोड़ का अनुमोदन किया गया है एवं आवेदक संस्थान को वन्यप्राणी संरक्षण योजना में प्रावधानित राशि रूपये 10.28 करोड़ (रूपये दस करोड़ अट्ठाईस लाख मात्र) एकमुश्त जमा करने हेतु निर्देशित किया गया है। वन्यप्राणी संरक्षण योजना पूर्व की अनुमोदित योजना 22.00 करोड़ रु. एवं वर्तमान में अनुमोदित अतिरिक्त योजना राशि रु. 10.28 करोड़ कुल योजना रु. 32.28 करोड़ है।

अधीक्षण अभियंता (फ्यूल), मेसर्स राजस्थान विद्युत उत्पादन निगम मर्यादित, विद्युत भवन, जनपथ, ज्योतिनगर, जयपुर (राजस्थान) का पत्र क्रमांक / 1632 दिनांक 26.07.2023 द्वारा अतिरिक्त वन्यप्राणी संरक्षण योजना हेतु राशि रु. 10.28 करोड़ (रूपये दस करोड़ अट्ठाईस लाख मात्र) यूनियन बैंक ऑफ इण्डिया के छत्तीसगढ़ कैंम्पा खाता क्रमांक 150645891800020 में दिनांक 24.07.2023 को एन.एफ.टी. / आर.टी.जी.एस. के माध्यम से जमा किया गया है। परिवेश पोर्टल के यू.टी.आर. नंबर YESBR12023072400005490 ऑनलाईन पेमेंट सिस्टम में दर्शित पेज की छायाप्रति संलग्न सम्प्रेषित है।

प्रकरण अन्तर्गत प्रतिवेदन अवलोकनार्थ एवं अग्रिम कार्यवाही हेतु सम्प्रेषित है।

संलग्न - उपरोक्तानुसार।

वनमण्डलाधिकारी
सरगुजा वनमण्डल, अम्बिकापुर

1/2/1

पृ.क्रमांक/तक.अधि./ 1173
प्रतिलिपि :-

अम्बिकापुर, दिनांक/ 2 / 8 / 2023

1. प्रधान मुख्य वन संरक्षक (वन्यप्राणी) छत्तीसगढ़, अरण्य भवन, अटल नगर, नवा रायपुर को सूचनार्थ एवं आवश्यक कार्यवाही हेतु सम्प्रेषित।
2. अपर प्रधान मुख्य वन संरक्षक (भू-प्रबंध/व.सं.अ.) छत्तीसगढ़, अरण्य भवन, अटल नगर, नवा रायपुर को सूचनार्थ एवं आवश्यक कार्यवाही हेतु सम्प्रेषित।
3. मुख्य कार्यपालन अधिकारी (कैम्पा) छत्तीसगढ़, अरण्य भवन, अटल नगर, नवा रायपुर को सूचनार्थ एवं आवश्यक कार्यवाही हेतु सम्प्रेषित।
4. अधीक्षण अभियंता (पयूल), मेसर्स राजस्थान विद्युत उत्पादन निगम मर्यादित, विद्युत भवन, जनपथ, ज्योतिनगर, जयपुर (राजस्थान) को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
5. उप वनमण्डलाधिकारी, उदयपुर एवं वन परिक्षेत्राधिकारी, उदयपुर को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

वनमण्डलाधिकारी
सरगुजा वनमण्डल, अम्बिकापुर

1. Community Health Program

- **Swasthya Suvidha Kendra-** Operating Swasthya Suvidha Kendra (SSK) at Salhi and Parsa to provide primary medical care to the villagers free of cost. SSK, Salhi offers allopathic & ayurvedic treatment while SSK, Parsa offers homeopathic & allopathic treatment and is operated under the guidance of Dr. Ajit Yadav and Dr. Pooja Pandey respectively.

Total Patients- 1431

- **Rural Medical Camps-** Conducting Rural Medical Camps in fourteen peripheral villages of PEKB mines to make free healthcare facilities accessible to all. Medical camps were organized under the guidance of Dr. Deepak Kumar Pungle and Dr. Chandra Nath Dey.

Total Patients- 1312

- **Specialty Health Camp-** Specialty Health Camps (Dental, Pediatric, Eye, Skin, Gynecology) are organized to bring the costless treatment of diseases by specialists to underprivileged communities in rural areas.

Total Patients- 230

- **Mega Health Camp-** Mega Health Camp was organized at Ghatbarra village on 13th April 2024 in collaboration with Sadhu Ram Hospital, Surajpur. 110 patients benefitted from the camp.
- **Health Awareness Camp-** Community health awareness sessions were conducted to encourage healthy habits and foster positive behavioral changes. The topic covers personal hygiene, ante and post-natal care, disease symptoms, precaution and cure, and health-related observance days.
 - No. of camps organized- 259, Participants- 2492
 - Sanitary pad distributed- 2521
 - Natal kit distributed- 525
 - Disease observance Days (Cervical Cancer Awareness month, Deworming Day, World Cancer Day, Menstrual Hygiene Day, World No Tobacco Day)
 - Slipper, blanket and mosquito net distribution in peripheral villages. Beneficiary- 1389
- **Installation of sanitary pad vending & incinerator machine-** 24 sanitary pad vending machines & 9 sanitary pad incinerator machines have been installed in the primary and middle government schools of peripheral villages along with AVM, Salhi.
- **Ambulance Service-** The 24*7 free ambulance service is availed by the beneficiaries in the peripheral village of PEKB mines. This emergency care service provides medical aid to the beneficiaries in need of the hour. **Total beneficiary- 195**
- **Project Jeevan Amrit-** Reparation of 47 handpumps in the peripheral villages of PEKB mines is making potable water accessible to approx. 2000 people.







2. Education Program

- **Utthan Classes**

Remedial coaching classes are conducted for the poor and tribal students of Class LKG to VIII along with the board examination preparation classes for the students of class Xth and XIIth in Gram Panchayats of Parsa, Salhi, Basen, Fattehpur, and Ghatbarra. Extra-curricular and co-curricular activities are conducted for the overall development of students.

Total no. of students- 219

- **NEET/JEE examination preparation classes** – Free distance learning classes with expert guidance for the preparation of the NEET/JEE examination are conducted at Adani Vidya Mandir, Salhi for the students of government schools, enabling them to compete and qualify for national-level exams in engineering and medicine (MBBS). Total Strength- 30
- **Educational material support-** 1400 school bags, Sweater and School Shoes have been distributed to the students of government schools of peripheral villages.
- **Extra-curricular and co-curricular activities-** Learn with fun activities , Summer Camp and day celebrations are conducted in government schools and Utthan classes to enhance the creativity and grasping capacity of students.



Adani Vidya Mandir- Adani Vidya Mandir is a CBSE Higher secondary school committed to offering more than just quality education. Alongside academics, it ensures that students receive essential support, including free meals, uniforms, books, and other necessary resources, fostering a holistic learning environment.

1034 students from peripheral villages of PEKB study at Adani Vidya Mandir, Salhi,



National Science Olympiad winners



Music Competition Winner



Robotics Workshop



STEM Learning Practical



Examination



Health Check-up

3. Community infrastructure Development



4 Nos of Overhead Water Tank installed in peripheral villages.



3 Nos of Handpump installed in PH villages.

A total of 95 solar street lights installed in peripheral Villages.



7 Nos Slider and 7 Nos Seesaw installed in Government Middle & Primary School of Ghatbarra, Fattehpur, Hariharpur, Salhi, Shivnagar, Parsa and Basen.



5 Nos Solar High Mast Light installed at Ghatbarra- (Majhwarpara & Kamharpara), Fattehpur, Parsa, Hariarpur

553

308

A total of 3 swings installed in Government Middle & Primary School of Ghatbarra and Shivnagar and Government Primary School, Hariharpur.



Check-dam construction at Salhi village for water conservation and to promote agricultural activities riverside.



Renovation of Yatri Shed at Janardanpur



BaLA painting work in 4 Anganwadi centers of Hariharpur, Salhi and Ghatbarra village to make learning environment conducive and safe.



Anganwadi Kendra, Hariharpur



Anganwadi Kendra, Khaspara, Salhi



Anganwadi Kendra, Imlipara, Salhi



Anganwadi Kendra, Ghatbarra

4. Community Engagement

Distribution drive of body protective equipment & apparels



A distribution drive of body protective equipment and apparels was conducted in the mine peripheral villages with the objective of providing protection against the seasonal consequences to the less privileged and needy people.



Distribution of School Uniform, Shoes and Sweater at Govt School



Celebration of International Women's Day -This year, International Women's Day was organized in Adani Skill development Center, Salhi in which about 350 women of the area participated enthusiastically. Various cultural programs were organized in this program to encourage women.

Celebration of National Safety Week - In every Govt High Secondary school we have organized National Safety week in which teachers, staff and students participated in this session.



Employee Volunteering Program :-

- Swachhta campaign was organized at Government school, Basen, Parsa Market, and Gandhi Chowk, Salhi.
- Tree planting was also carried out at Basen Government School.
- Career counselling and arts & crafts sessions were organized at the High Schools of Tara, Parsa and Dandgaon villages.
- Anti-toxication campaign organized at Salhi and Parsa.



Journal

//TRUE COPY//

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI
OA No.59 of 2024****IN SUO MOTO MATTER:**

**In Re: DEFORESTATION FOR MINING RESUMES IN HASDEO,
 LOCALS, ACTIVISTS ALLEGE DETENTION**

APPLICATION FOR CONDONATION OF DELAY IN FILING REPLY**MOST RESPECTFULLY SHEWETH:**

1. That, the above mentioned matter was listed on 03.07.2024. On the said date, the answering respondent had sought for a weeks time to file reply to the main Original Application as well as replies to the Application for intervention. This Hon'ble Tribunal, vide its order dated 03.07.2024, had granted one weeks time to the Answering Respondent to file the replies.
2. That, however, in view of the fact that there are multiple proceedings pending before various forums, namely the Hon'ble Supreme Court, the Hon'ble High Court of Chhattisgarh and before this Hon'ble Tribunal. As such the record of the present matter is voluminous and bulky.
3. That, on account of the above, the Answering Respondent was collating all the record and thereafter the replies were drafted.

After the replies were drafted, the Answering Respondent had got the same vetted from the Counsel.

4. This took sometime and as a consequence thereof, the Answering Respondent could not file the reply within a period of one week granted by this Hon'ble Tribunal and there is a short delay in filing the reply.
5. That, the delay is unintended and bonafide and is deeply regretted by the Answering Respondent.

PRAYER

In view of the above and in the interest of justice, the Hon'ble Tribunal may most graciously be pleased to:

- (a) Condone the delay in filing the present Reply; and
- (b) Pass any other and such further orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice.



KUNAL VERMA

Advocate for Respondent No. 4

Place: New Delhi
Dated: 23.08.2024

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI
OA No. 59 of 2024

IN SUO MOTO MATTER:

In Re: **DEFORESTATION FOR MINING RESUMES IN HASDEO,
LOCALS, ACTIVISTS ALLEGE DETENTION**

AFFIDAVIT

I, Hem Raj, S/o Shri Nanag Ram, aged about 55 years, working as the Superintendent Engineer with Respondent No. 4, r/o 24, Chhaya Deep II Colony, Mahesh Nagar, Jaipur do hereby solemnly say and affirm as follows:

1. That I am the authorized representative of the Respondent No.4 - M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited. ('RRVUNL') and well versed with the facts and circumstances of the case and as such competent to swear the present affidavit.
2. That, I have read and understood the contents of the accompanying I.A. application for condonation of delay in filing the reply and I state that the contents thereof are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

**ATTESTED**

**NOTARY
JAIPUR (INDIA)**


DEPONENT

Superintending Engineer (Fuel)
RVUN, Jaipur

23 AUG 2024

VERIFICATION

I, above named deponent do hereby solemnly state and affirm that the contents of the above reply are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Signed and Verified at Jaipur on this 23 day of August, 2024.


DEPONENT

Superintending Engineer (Fuel)
RVUN, Jaipur



ATTESTED


NOTARY
JAIPUR (INDIA)

23 AUG 2024